

From: [Jennifer Broomhall](#)
To: [TPC Enquiry](#)
Subject: Submission of documentation in accordance with Section 40Y of LUPAA - AM2022.02 & PA2022.0092 - 5 Friend Street
Date: Monday, 31 October 2022 1:48:19 PM
Attachments: [image001.png](#)
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Good afternoon,

In accordance with section 40Y of the *Land Use Planning and Approvals Act 1993*, please note link below containing documentation relating to Devonport City Council's decision on Monday 24 October 2022 to certify draft amendment AM2022.02 and approve concurrent planning application PA2022.0092 – 5 Friend Street and others.

The link will expire in 30 days, **please download to retain a copy for your records.**

[TPC Documents](#)

The amendment and planning application was advertised in the Advocate Newspaper on Saturday 29 October 2022.

Kind regards
Jennifer



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4.1 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: **Jeffrey Griffith, Deputy General Manager**

RECOMMENDATION

That Council:

- A. agree to certify amendment AM2022.02 to the Devonport Local Provisions Schedule to:
 - i. Remove the Devonport Homemaker Service Industrial Centre Specific Area Plan from CT167737/18 and delete from the Devonport Local Provisions Schedule;
 - ii. Apply the Devonport Regional Homemaker Centre Specific Area Plan (as amended) to CT167737/18;
 - iii. Set aside request for rezoning CT167737/15, CT173536/16 and CT173536/17 to a Particular Purpose zone;
 - iv. Amend the Devonport Regional Homemaker Centre Specific Area Plan as per section 40F (2) (b) of LUPAA, as set out in Attachment 1;
- B. place Amendment AM2022.02 and application PA2022.0092 on public exhibition for a 4 week period in accordance with sections 40G and 40Z of the *Land Use Planning and Approvals Act 1993*; and
- C. 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 with the following conditions:

-
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 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);
 4. The developer is to provide footpath connectivity from the development site to Stony Rise Road for pedestrian movement;
 5. The developer is to construct the car park to comply with Australian Standards 2890 Parking Facilities Part 1 – 6;
 6. The developer is to provide external lighting to illuminate external vehicle parking areas and pathways;
 7. 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*;
 8. 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;
 9. Illuminated signage visible from public places must not create the effect of flashing, animation or movement;
 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.

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.

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 7 the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 2-5 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
- Strategy 2.1.3 Work in partnership with neighbouring councils, State Government and other key stakeholders on regional planning and development issues

SUMMARY

The purpose of this report is for the Planning Authority to determine whether to certify an amendment to 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 (as amended) to CT167737/18;
- c. Set aside request for rezoning to a Particular Purpose zone;
- d. Amend the Devonport Regional Homemaker Centre Specific Area Plan; and
- e. If certifying the draft amendment, 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.

The proposal seeks amendment to the Devonport Local Provisions Schedule 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.

This report will provide the rationale for the recommended variation to what has been sought by the applicant, namely setting aside the request for a Particular Purpose Zone and instead amending the existing Devonport Regional Homemaker Centre Specific Area Plan to facilitate the same outcome.

BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Address:	1 Friend Street, 5 Friend Street, 88 Stony Rise Road, and 90-102 Stony Rise Road, Stony Rise
Applicant:	GHD Pty Ltd
Owner:	Tipalea Private No. 24 Pty Ltd, Best Street Investments Pty Ltd, and E S Nelson
Proposal:	Remove the Devonport Homemaker Service Industrial Centre Specific Area Plan, Amend the Devonport Regional Homemaker Centre Specific Area Plan; and Approve application for General Retail and Hire (Supermarket and other retail), Food Services, Business and Professional Services, Bulky Goods Sales, Service Industry and Signage
Existing Use:	Bulky Goods and Vacant
Zoning:	Devonport Regional Homemaker Centre Specific Area Plan; Devonport Homemaker Service Industrial Centre Specific Area Plan and Commercial Zone
Decision Due:	13/10/2022, extension granted by Tasmanian Planning Commission until 31/10/2022

SITE DESCRIPTION

The subject site comprises four titles and includes road parcels. The irregular shaped lots are situated north of Stony Rise Road and dissected by Friend Street. Land to the north comprises established development for bulky goods as part of the Devonport Regional Homemaker Centre. Properties situated to the east, west and south of Stony Rise Road are generally residential within varied sized lots. There are established industrial lots in proximity to the subject site and a small pocket of community services comprising Devonfield enterprises is similarly close in proximity. The subject site has ingress only access from Bass Highway through the adjoining northern parcels of land with further access via Stony Rise Road and Friend Street. The subject site and surrounding pattern of development are illustrated in Figure 1.



Figure 1 – Aerial view (LISTmap)

CURRENT PLANNING CONTROLS

The subject site is zoned Commercial under the *Tasmanian Planning Scheme – Devonport 2020*, overlaid with the *Devonport Regional Homemaker Centre Specific Area Plan (DEV-S1)* affecting parcels east of Friend Steet and the *Devonport Homemaker Service Industrial Centre Specific Area Plan (DEV-S2)* affecting the western parcel, see Figures 2 and 3.

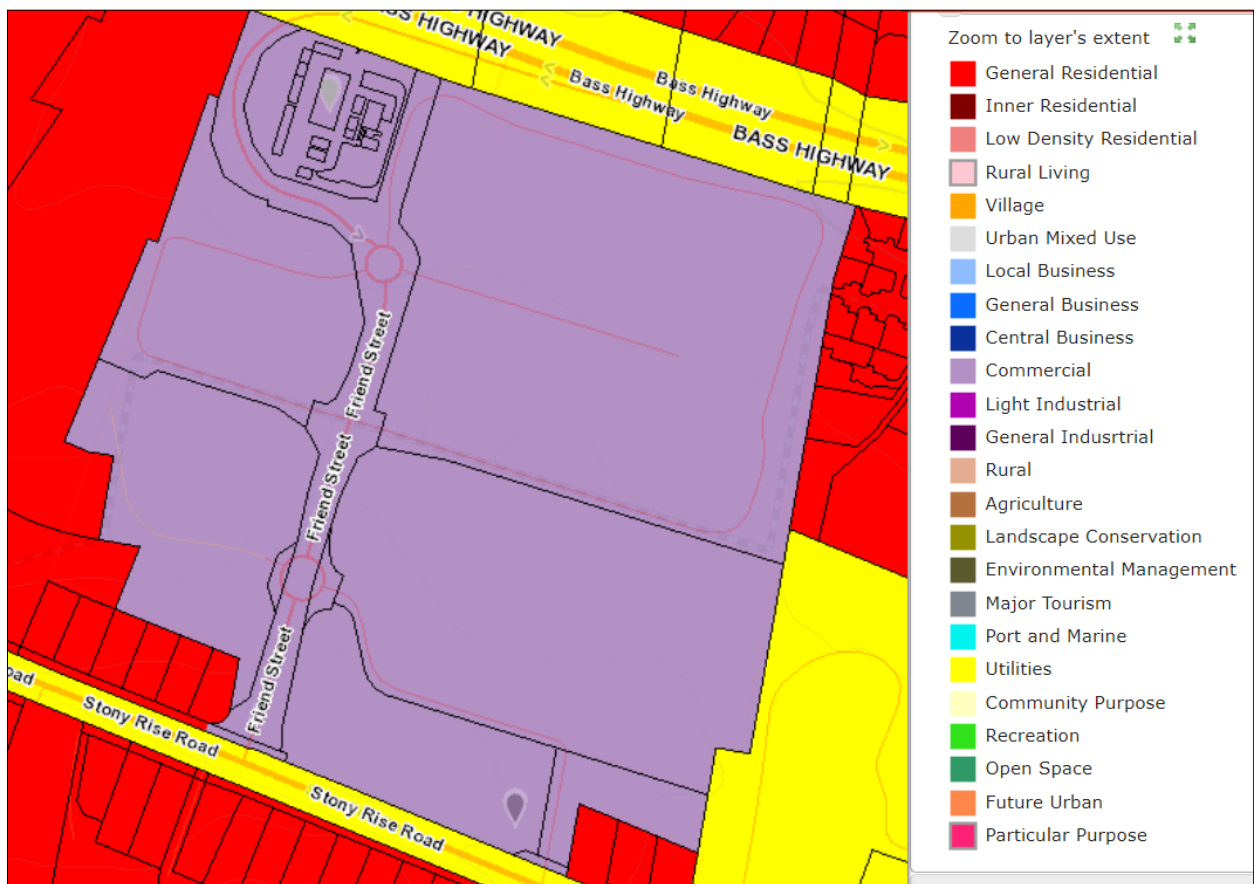


Figure 2 – Zone mapping (LISTmap)

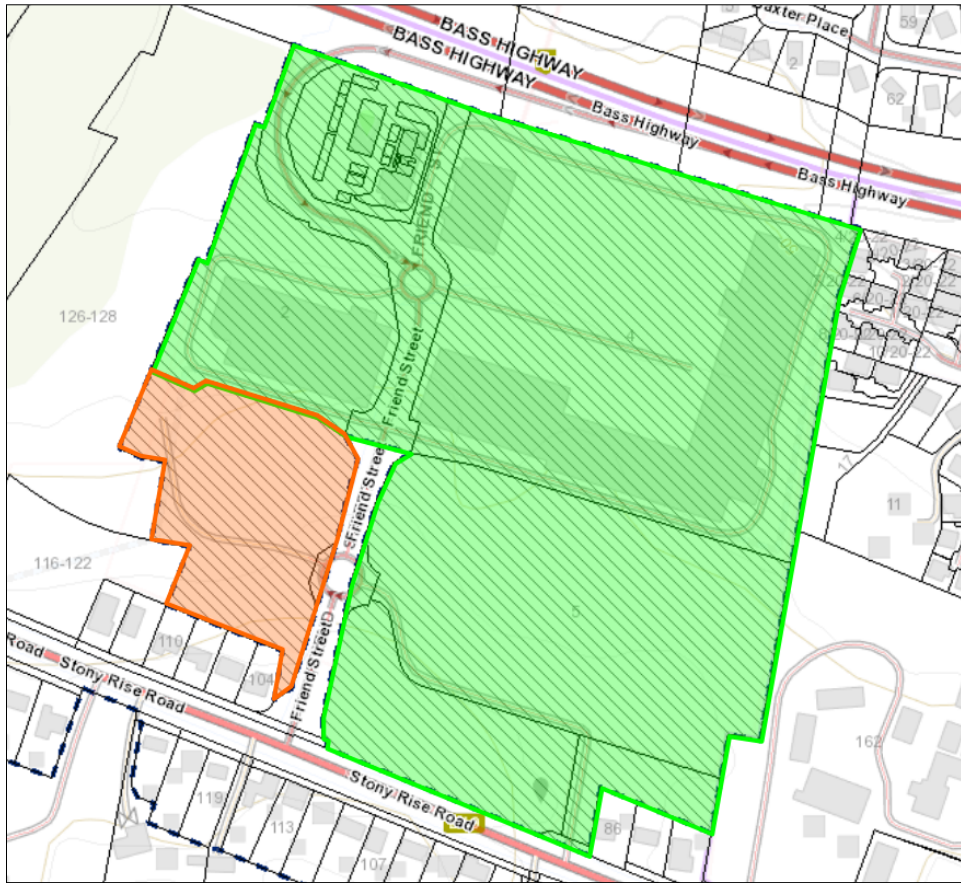


Figure 3 – Specific Area Plans: DEV-S1 – green; DEV-S2 – orange

17.0 Commercial Zone

The purpose of the Commercial zone is:

- 17.1.1 To provide for retailing, service industries, storage and warehousing that require:
 - a) large floor or outdoor areas for the sale of goods or operational requirements; and
 - b) high levels of vehicle access and parking for customers.
- 17.1.2 To provide for a mix of use and development that supports and does not compromise or distort the role of other activity centres in the activity centre hierarchy.

Within the Commercial zone under the *Tasmanian Planning Scheme – Devonport 2020* suitable uses are nominated as are design guidelines for development. The following table reproduces the use table of the Commercial zone, with the use classes excluded from DEV-S1 or DEV-S2 marked in red.

17.2 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values management	
Passive Recreation	
Utilities	If for minor utilities.
Permitted	
Bulky Goods Sales	

Emergency Services	
Equipment and Machinery Sales and Hire	
Service Industry	
Storage	
Discretionary	
Business and Professional Services	
Community Meeting and Entertainment	
Educational and Occasional Care	
Food Services	
General Retail and Hire	
Hotel Industry	If for alterations or extensions to an existing Hotel Industry
Manufacturing and Processing	
Research and Development	
Resource Processing	If for food or beverage production
Sports and Recreation	
Transport Depot and Distribution	
Tourist Operation	
Utilities	
Vehicle Fuel Sales and Service	
Vehicle Parking	
Visitor Accommodation	If for alterations or extensions to existing Visitor Accommodation
Prohibited	
All other uses	

The use standards and design standards contained within the Commercial zone provide controls specific to proximity of residential zone property, visual impact of plant equipment and landscaping requirements.

DEV-S1.0 Devonport Regional Homemaker Centre Specific Area Plan

The local area objective for the Devonport Regional Homemaker Centre (DEV-S1) is to provide use and development for integrated bulky goods showrooms and trade supplies, including associated food outlets, car parking, signage and landscaping.

The DEV-S1 provides requirements in addition to or in substitution of the Commercial zone standards as well as some provisions within the Sign Code and the Parking and Sustainable Transport Code. The following table reproduces the use table of the DEV-S1.

DEV-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.
Permitted	
Bulky Goods Sales	If for the retail sale of: <ul style="list-style-type: none"> (a) furniture and floor coverings; (b) electrical appliances, including white goods and computer equipment; (c) home entertainment equipment;

	<ul style="list-style-type: none"> (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.
Food Services	<p>If the total number of Food Services on land subject to the Devonport Regional Homemaker Centre Specific Area Plan is:</p> <ul style="list-style-type: none"> (a) not more than 5 takeaway food shops; and (b) not more than 2 restaurants.
Vehicle Fuel Sales and Service	If for a service station.
Discretionary	
Bulky Goods Sales	If for motor vehicle, boat or caravan sales.
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.
Prohibited	
All other uses	

DEV-S2.0 Devonport Homemaker Service Industrial Specific Area Plan

The local area objective for the Devonport Homemaker Service Industrial Centre Specific Area Plan (DEV-S2) is to provide allied service industry, warehousing and support offices and sales and product distribution on a small scale.

The DEV-S2 provides requirements in addition to or in substitution of the Commercial zone standards as well as some provisions within the Sign Code. The following table reproduces the use table of the DEV-S2.

DEV-S2.5 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.
Permitted	
Service Industry	
Storage	
Vehicle Parking	
Discretionary	
Bulky Goods Sales	If for motor vehicle, boat or caravan sales and garden and landscape supplies.
Prohibited	
All other uses	

Specific Area Plan history

The area subject to the DEV-S1 was originally administered by the Devonport Regional Homemaker Centre Zone, the result of amendment AM2008/01 to the *Devonport and*

Environs Planning Scheme 1984, adopted in 2009 to allow for the introduction 'big box' development in a single location outside the Devonport Central Business District. The *Devonport Interim Planning Scheme* (Interim Planning Scheme) was introduced in October, 2013, replacing the *Devonport and Environs Planning Scheme, 1984*. The structure of the Interim Planning Scheme did not allow for zones other than those specified in Planning Directive 1. As such the Devonport Regional Homemaker Centre zone was translated to a Specific Area Plan (SAP). The Interim Planning Scheme has since been replaced by the *Tasmanian Planning Scheme – Devonport* (in November, 2020) however the DEV-S1 and DEV-S2 were not modified as part of this process and remain as they were in the Interim Planning Scheme.

The Service Industrial zone was intended to accommodate service industry and warehouse type uses which incorporated offices and/or shopfronts as incidental activities due to these activities being common in proximity to bulky goods retail facilities. The range of uses were limited to ensure they did not unreasonably compete with other areas including the Devonport CBD. The Service Industrial zone was translated across to the Interim Planning Scheme and subsequently the *Tasmanian Planning Scheme – Devonport* as DEV-S2.

PROPOSED PLANNING CONTROLS

The draft amendment submitted by the applicant seeks to remove the DEV-S2 from CT167737/18, resulting in its deletion from the Devonport Local Provisions Schedule, and apply the DEV-S1 to this title. There has been no development on the land identified as 1 Friend Street (CT167737/18) for the industrial type of uses as allowed for under DEV-S2. The vacant site adjoins land which has been subdivided into residential lots. The conflict between residential and industrial land uses will be reduced by the application of DEV-S1 to this site whilst providing an alternative opportunity for large format retail, which will complement the Devonport Homemaker site.

Particular Purpose Zone – Stony Rise Village: The Particular Purpose Zone (PPZ) proposed by the applicant seeks to provide a 'neighbourhood centre' with retail for the regular convenience needs of the local area, and other uses and development to support and not compromise, the role of established activity centres such as the Devonport Central Business District. The concept of a neighbourhood centre is not something used commonly in the Local Provisions Schedule or the *Tasmanian Planning Scheme* but is readily exemplified in larger cities where basic services or daily retail needs are grouped as a satellite to a major activity centre or CBD. The full proposed combined amendment and supporting documents as submitted by the applicant are located within Attachment 2.

PPZ – Stony Rise Village Use Table

Use class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Utilities	If for minor utilities.
Permitted	
Bulky Goods Sales	If within the Northern Precinct and provided that the sale or hire of: (a) auto accessories; (b) clothing or footwear (other than personal protective equipment); (c) building, construction and hardware goods; (d) rural supplies; (e) garden and landscape material; or (f) motor vehicle, boat or caravan sales, is not a

	<p>predominant activity.</p> <p>If within the Southern Precinct and provided that the sale or hire of:</p> <p>(a) clothing or footwear (other than personal protective equipment);</p> <p>(b) rural supplies;</p> <p>(c) timber and steel; or;</p> <p>(d) garden and landscape material;</p> <p>is not a predominant activity.</p>
Business and Professional Services	If for consulting room, medical centre, veterinary centre, child health clinic or dentist
Educational and Occasional Care	If for childcare centre.
Food Services	<p>If within the Northern Precinct and provided that any take away food premises with a drive through facility is limited to one premises.</p> <p>If within the Southern Precinct and provided that any take away food premises with a drive through facility is limited to one premises</p>
General Retail and Hire	<p>If within the Northern Precinct 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 the Southern Precinct 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 and Recreation	If for fitness centre or gymnasium.
Vehicle Fuel Sales and Service	If for a service station and limited to one service station within the Northern Precinct and one service station within the Southern Precinct.
Discretionary	
Bulky Goods Sales	If not listed as Permitted.
Storage	If within the Southern Precinct and for self-storage and not for a liquid fuel depot or a solid fuel depot.
Utilities	If not listed as No Permit Required.

The proposed PPZ has been designed to provide two 'precincts' which are shown in Figure 4, being the Northern Precinct and the Southern Precinct. The intent of the precincts provides a clear pathway for the proposed development application which accompanies the proposed draft amendment. The proposed draft PPZ instrument is contained within applicants' submission within Attachment 2.



Figure 4 – Proposed draft amendment: PPZ map overlay (GHD 8/22)

The Northern Precinct seeks to provide the opportunity for a major supermarket as the primary activity generator with a limited range of retail, business and food service uses that support the convenience needs of the local area. The Southern Precinct seeks to provide for use and development that compliments the function of the PPZ site as a neighbourhood centre but so as to not unreasonably distort the role of established activity centres such as the CBD. The Stony Rise Village PPZ is a translation of the current Commercial zone and DEV-S1 with additional uses previously excluded under the DEV-S1. A comparison of the uses allowable under the Commercial Zone, proposed PPZ and current DEV-S1 are provided in [Attachment 3](#). This table illustrates how the proposed draft amendment seeks to apply little change to use classes the DEV-S1 restricts by comparison to use classes which would be allowable under the Commercial Zone.

It is deemed unnecessary to implement a PPZ when the same effect can be created through alterations to the existing Specific Area Plan, DEV-S1 with uses which the underlying Commercial Zone permits regardless. It is therefore recommended the Planning Authority set aside the applicant's request for a PPZ and proceed under section 40F (2) (b) and alter the draft amendment as outlined in [Attachment 1](#).

The intent of the DEV-S1 is to concentrate the location of large floor area retail. The PPZ is seeking to allow some complimentary uses that do not require the same amount of floor area to co-exist and diversify use and development within the Homemaker site.

STRATEGIC IMPLICATIONS

Before certifying a draft amendment under section 40F of *LUPAA*, the Planning Authority must be satisfied that the amendment is consistent with all relevant legislation. Section

34 (2) of LUPAA sets out the criteria for which the Planning Authority must be satisfied are met when assessing a draft amendment to a Local Provisions Schedule (LPS).

Section 40F (2) (b) of LUPAA provides a pathway for which the Planning Authority can alter a proposed draft amendment to meet the LPS criteria to their satisfaction. A detailed assessment of section 34 (2) of LUPAA is appended in Attachment 4.

COMMUNITY ENGAGEMENT

Subject to the draft amendment being supported by the Planning Authority, it must be placed on public exhibition for a period of 28 days pursuant to section 40G of LUPAA. During this exhibition period, representations can be made in accordance with the provisions outlined in section 40J of LUPAA.

In the event representations are received, the Planning Authority must assess their content and modifications can be made to the draft amendment if required. A report in accordance with sections 40K & 42 of LUPAA will be prepared for the Planning Authority to consider. If no representations are received and the Planning Authority does not otherwise propose any further modifications the General Manager has delegation to notify the Tasmanian Planning Commission accordingly.

PLANNING APPLICATION DETAILS

The applicant is seeking approval for General Retail and Hire (Supermarket and other retail), Food Services, Business and Professional Services, Bulky Goods Sales, Service Industry and Signage. A full version of the application as submitted by the applicant is contained in Attachment 2.

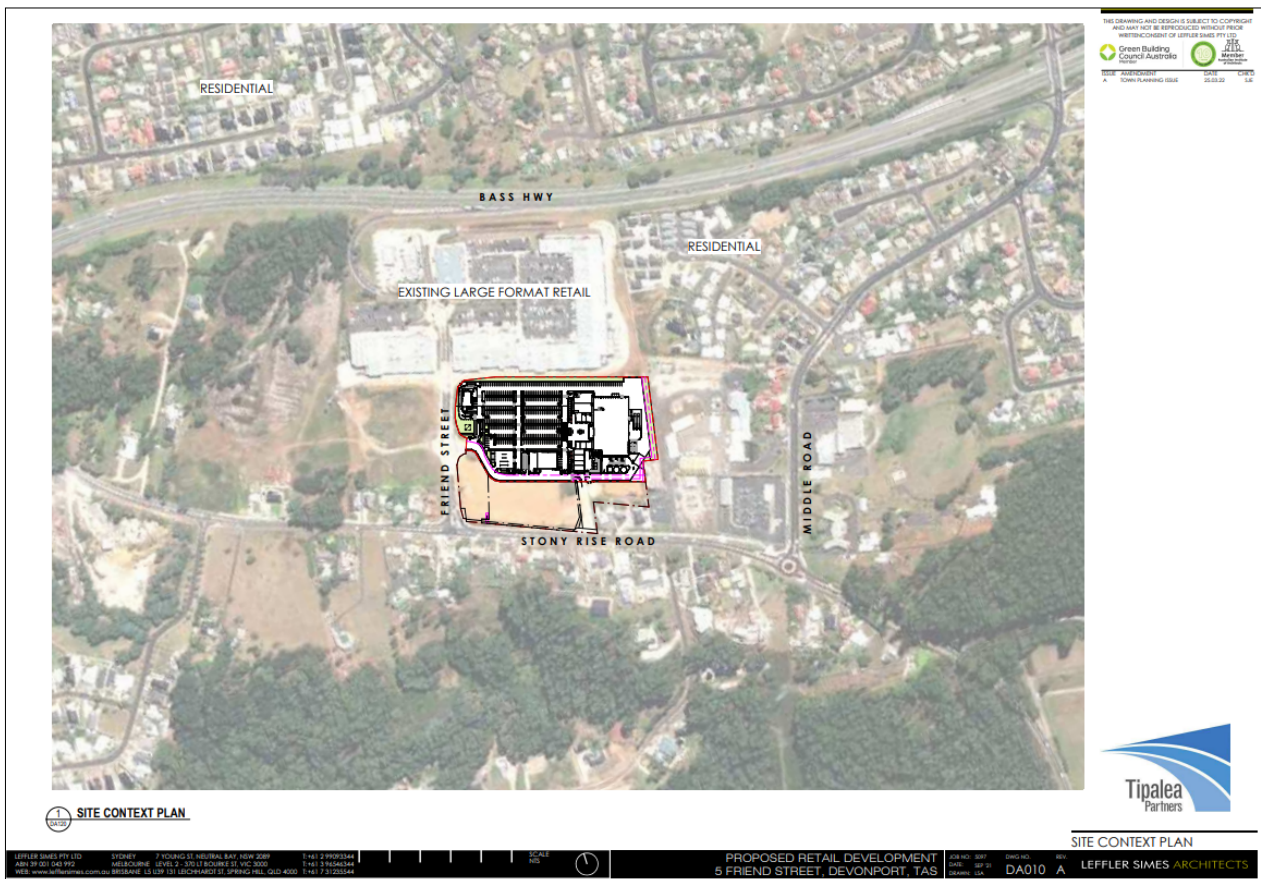


Figure 5 – Proposed development: site context plan



Figure 6 – Proposed development: site plan

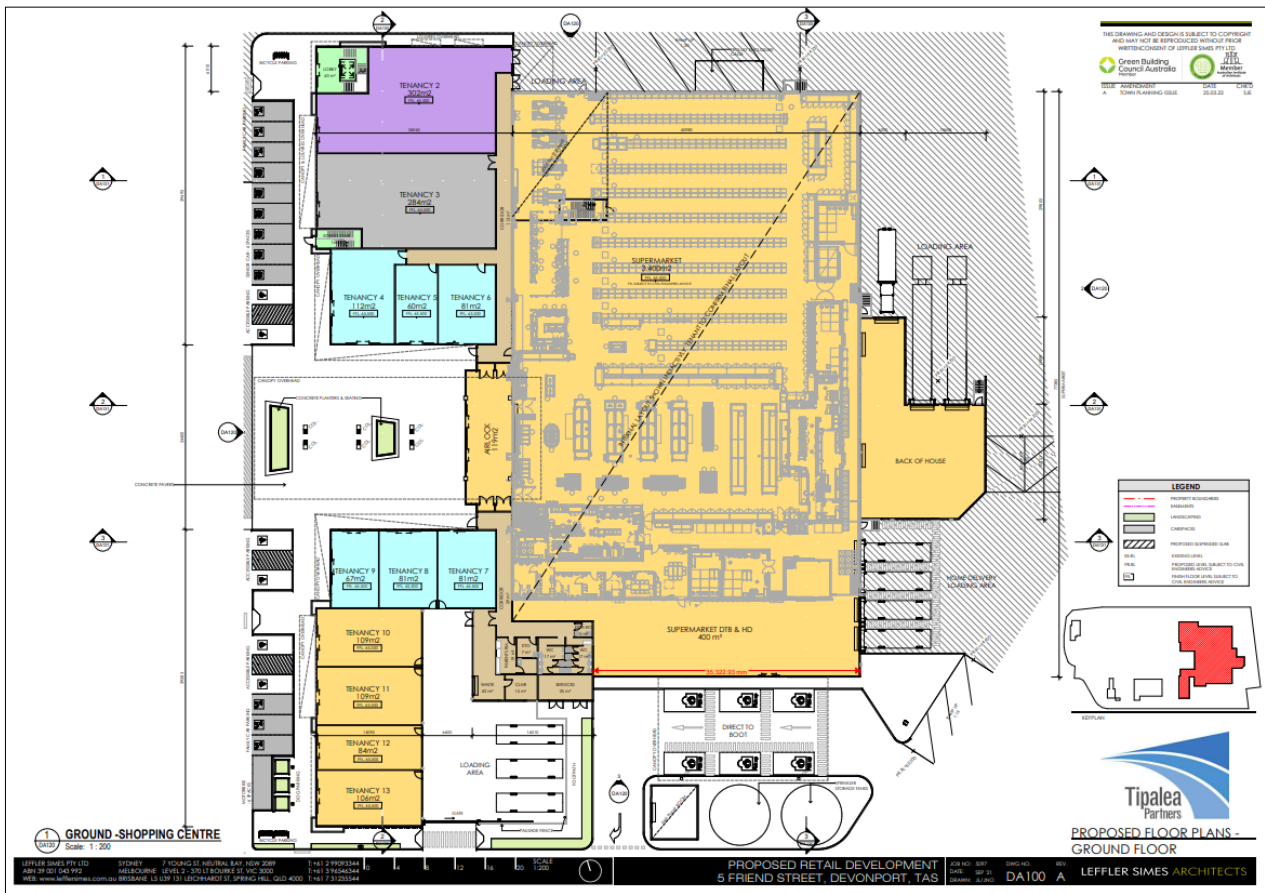


Figure 7 – Proposed development: Supermarket and retail floor plan

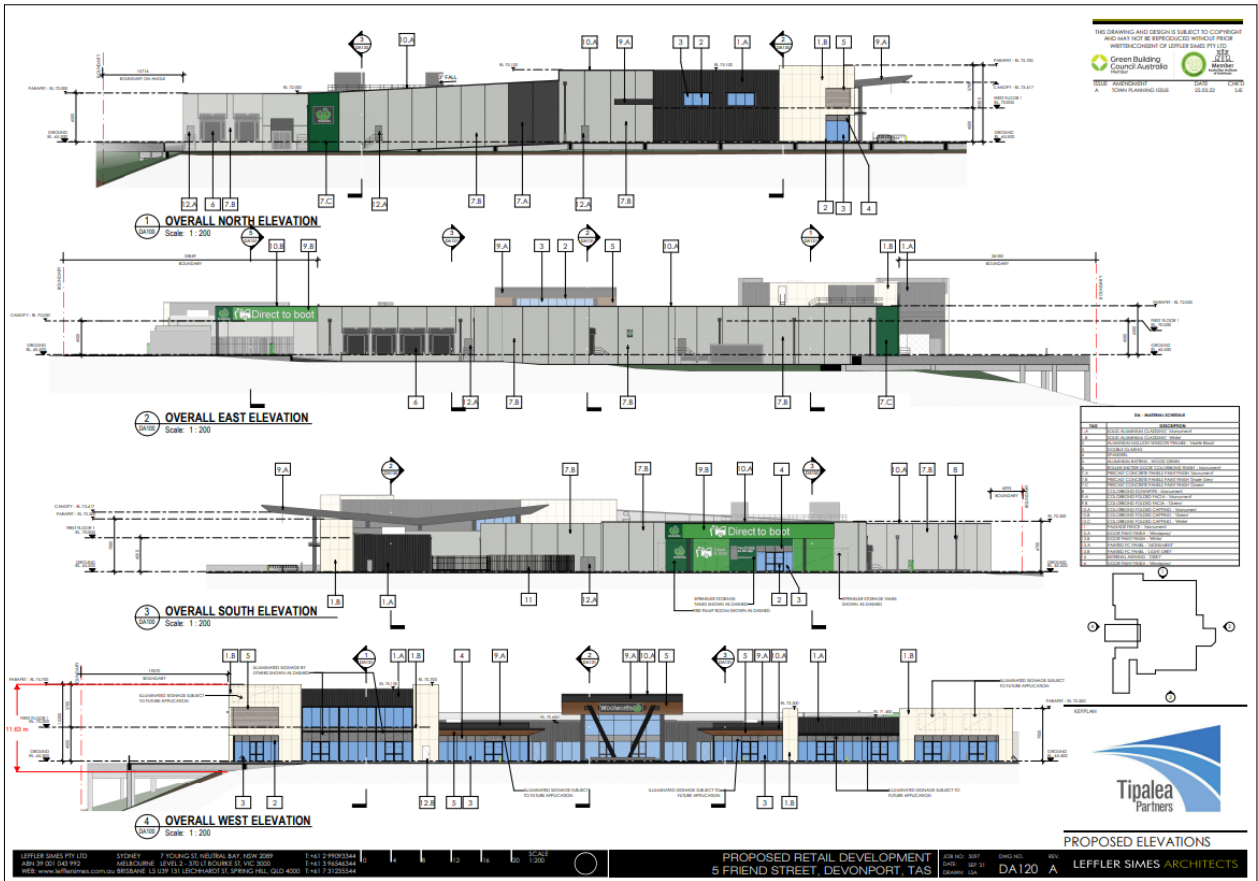


Figure 8 – Proposed development: supermarket and retail elevations

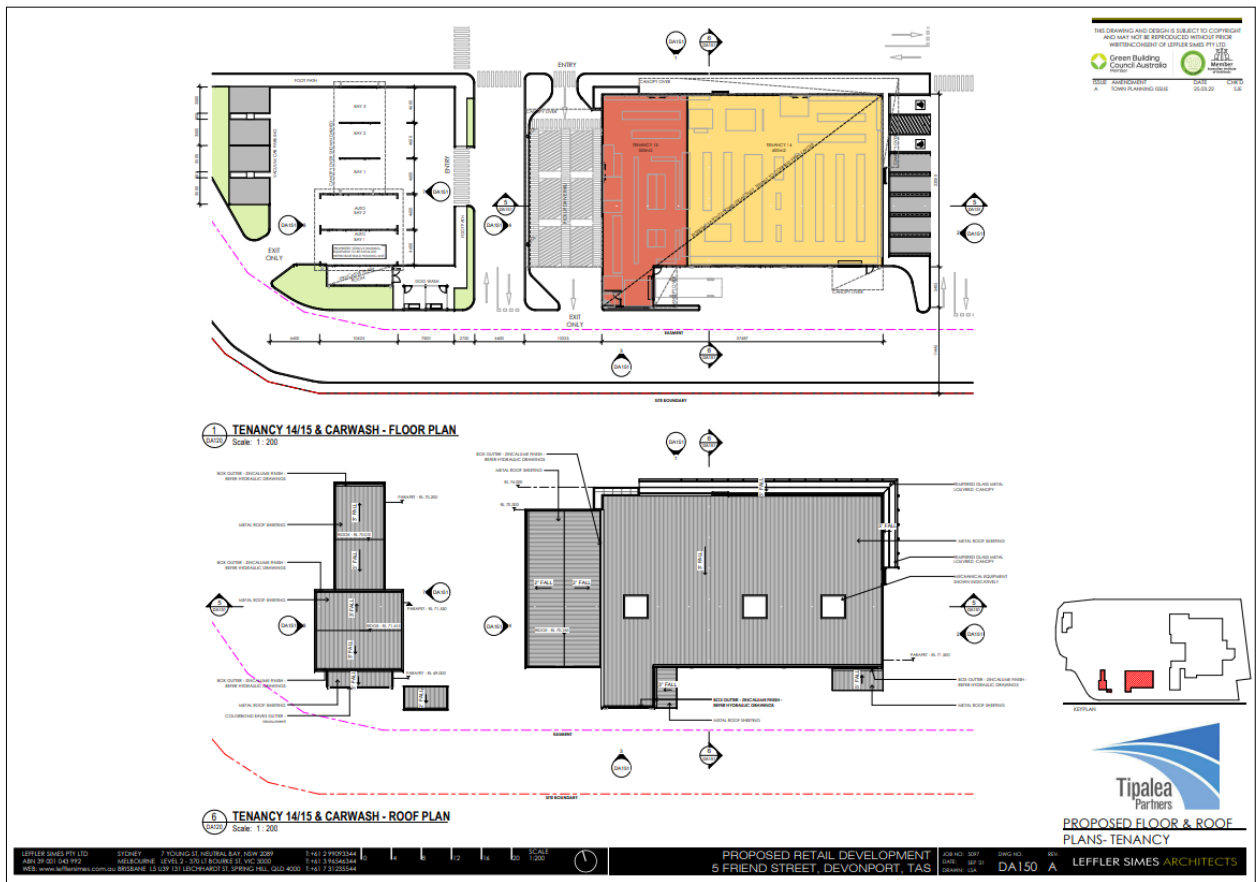


Figure 9 – Proposed development: car wash and retail floor plan

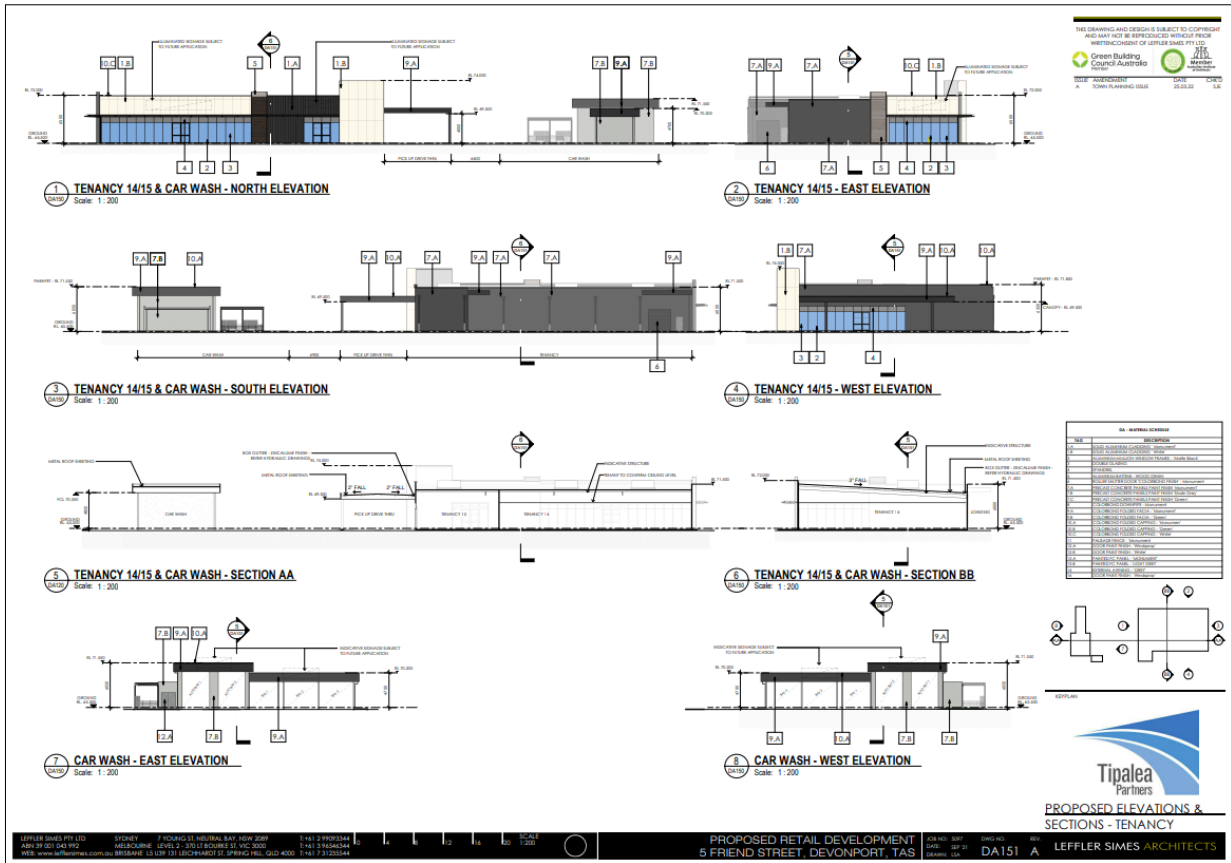


Figure 10 – Proposed development: car wash and retail elevations

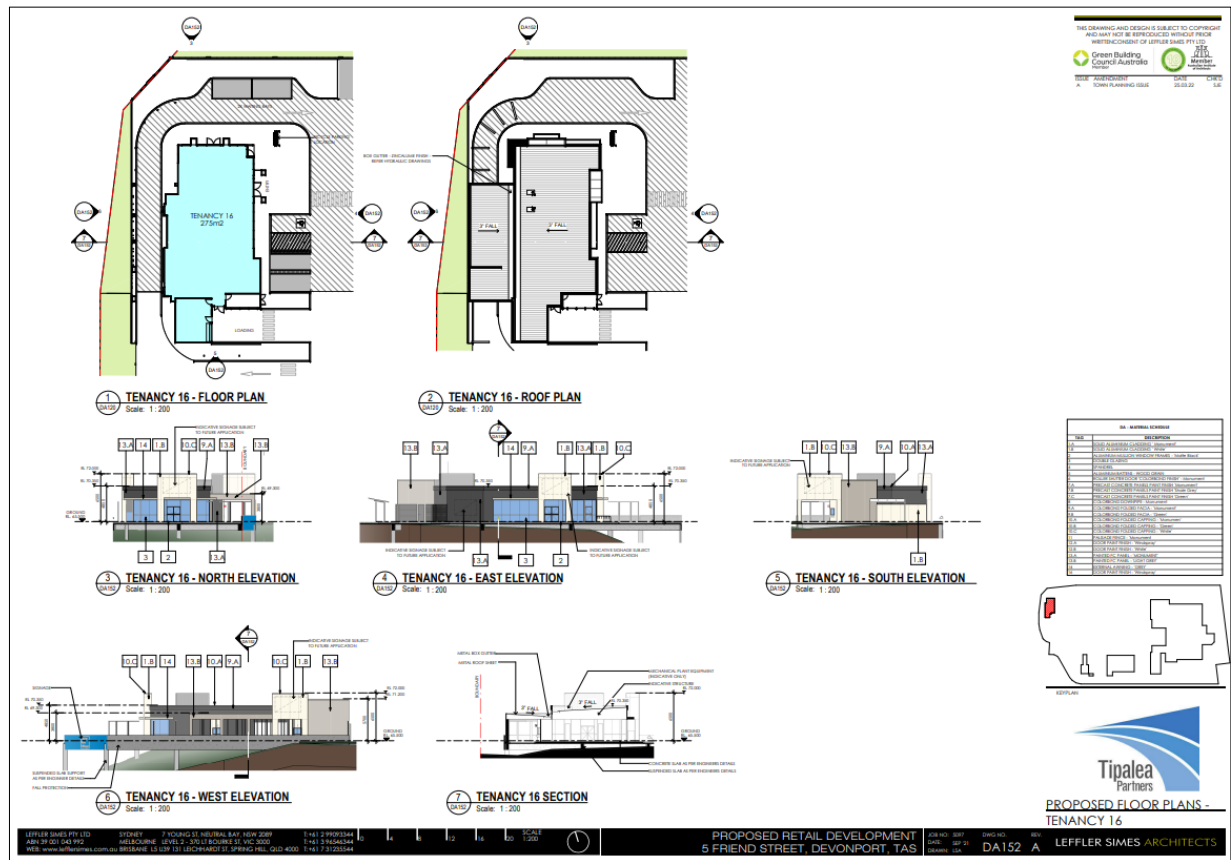


Figure 11 – Proposed development: drive through food services floor plan and elevations

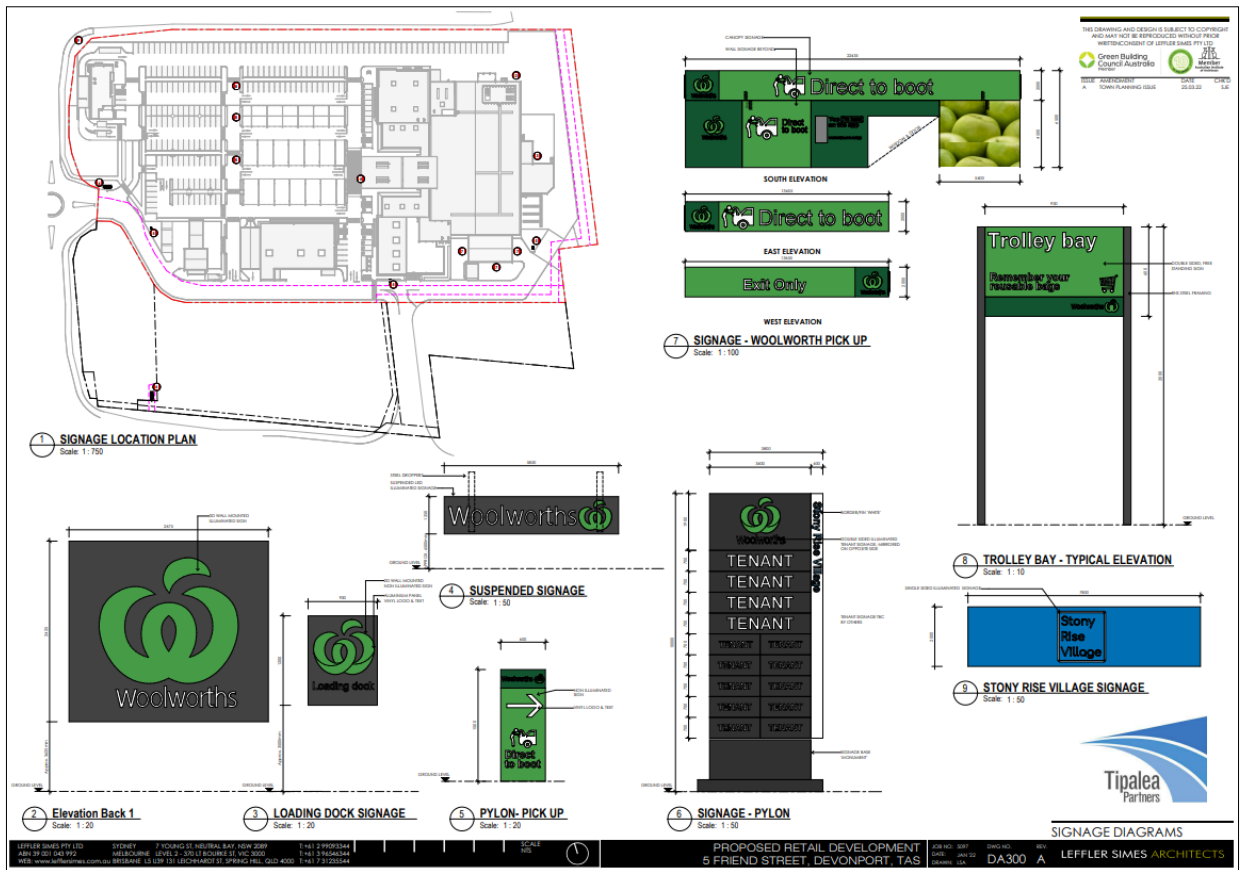


Figure 12 – Proposed development: signage

17.0 Commercial Zone

The purpose of the Commercial zone is:

- 17.1.1 To provide for retailing, service industries, storage and warehousing that require:
 - c) large floor or outdoor areas for the sale of goods or operational requirements; and
 - d) high levels of vehicle access and parking for customers.
- 17.1.2 To provide for a mix of use and development that supports and does not compromise or distort the role of other activity centres in the activity centre hierarchy.

The amended DEV-S1 use table is in substitution of the 17.2 Commercial zone use table.

17.3.1 All uses

Objective: That uses do not cause an unreasonable loss of residential amenity to residential zones.	
Acceptable Solutions	Performance Criteria
A1 Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation or Utilities, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low	P1 Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation or Utilities, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential

<p>Density Residential Zone, or Rural Living Zone, must be within the hours of:</p> <ul style="list-style-type: none"> a) 7.00am to 9.00pm Monday to Saturday; and b) 8.00am to 9.00pm Sunday and public holidays. 	<p>Zone, or Rural Living Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to:</p> <ul style="list-style-type: none"> a) the timing, duration or extent of vehicle movements; and b) noise, lighting or other emissions.
<p>A2</p> <p>External lighting for a use, excluding Natural and Cultural Values Management or Passive Recreation, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, must:</p> <ul style="list-style-type: none"> a) not operate within the hours of 11.00pm to 6.00am, excluding any security lighting; and b) if for security lighting, be baffled so that direct light does not extend into the adjoining property in those zones. 	<p>P2</p> <p>External lighting for a use, excluding Natural and Cultural Values Management or Passive Recreation, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to:</p> <ul style="list-style-type: none"> a) the level of illumination and duration of lighting; and b) the distance to habitable rooms of an adjacent dwelling.
<p>A3</p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency Services, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, must be within the hours of:</p> <ul style="list-style-type: none"> a) 7.00am to 9.00pm Monday to Saturday; and b) 8.00am to 9.00pm Sunday and public holidays. 	<p>P3</p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency Services, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to:</p> <ul style="list-style-type: none"> a) the time and duration of commercial vehicle movements; b) the number and frequency of commercial vehicle movements; c) the size of commercial vehicles involved; d) manoeuvring required by the commercial vehicles, including the amount of reversing and associated warning noise; e) any noise mitigation measures between the vehicle movement areas and the adjoining residential area; and f) potential conflicts with other traffic.

A1 – The applicant has identified the general operation hours of the site would be 6am to 11pm, however the operations of uses within 50m of the General Residential zoned land will be restricted to operational hours in accordance with the acceptable solution. A condition on the permit reflects this requirement.

A2 – The application nominates suitably baffled lighting to comply with the acceptable solutions.

A3 – The application has identified all commercial vehicle movements, including deliveries are to occur within the acceptable solution. A condition on the permit reflects this requirement.

17.3.2 Discretionary uses

Objective: That uses listed as Discretionary do not compromise or distort the activity centre hierarchy.	
Acceptable Solutions	Performance Criteria
A1 No Acceptable Solution.	P1 A use listed as Discretionary must not compromise or distort the activity centre hierarchy, having regard to: <ul style="list-style-type: none"> a) the characteristics of the site; b) the size and scale of the proposed use; c) the functions of the activity centre and the surrounding activity centres; and d) the extent that the proposed use impacts on other activity centres.

No discretionary uses proposed.

17.3.3 Retail impact

Objective: That Bulky Goods Sales do not compromise or distort the activity centre hierarchy.	
Acceptable Solutions	Performance Criteria
A1 The gross floor area for Bulky Goods Sales must be not less than 250m ² per tenancy, unless the use relies on more than 50% of the site area for outdoor display of goods for sale.	P1 Bulky Goods Sales must not compromise or distort the activity centre hierarchy, having regard to: <ul style="list-style-type: none"> a) the extent that the proposed use improves and broadens the commercial or retail choice within the area; b) the extent that the proposed use impacts on surrounding activity centres; and c) any relevant local area objectives contained within the relevant Local Provisions Schedule.

This part is substituted by the amended DEV-S1.6.1

17.4.1 Building height

Objective: That building height: <ul style="list-style-type: none"> a) is compatible with the streetscape; and b) does not cause an unreasonable loss of amenity to adjoining residential zones. 	
Acceptable Solutions	Performance Criteria
A1 Building height must be not more than 12m.	P1 Building height must be compatible with the streetscape and character of development existing on established properties in the area, having regard to: <ul style="list-style-type: none"> a) the topography of the site; b) the height, bulk and form of existing building on the site and adjacent

	<p>properties;</p> <ul style="list-style-type: none"> c) the bulk and form of proposed buildings; d) the apparent height when viewed from the adjoining road and public places; and e) any overshadowing of public places.
<p>A2</p> <p>Building height:</p> <ul style="list-style-type: none"> a) within 10m of a General Residential Zone, Low Density Residential Zone, or Rural Living Zone must be not more than 8.5m; or b) within 10m of an Inner Residential Zone must be not more than 9.5m. 	<p>P2</p> <p>Building height within 10m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone must be consistent with building height on adjoining properties and not cause an unreasonable loss of residential amenity, having regard to:</p> <ul style="list-style-type: none"> a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings; b) overlooking and reduction of privacy; and c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining property.

A1 – The proposed building height will have a maximum of 11.6m above ground level on the northern side of the development.

A2 – The proposed development is located more than 10m from adjoining residential zoned land and has a building height of 6.5m within proximity to this part of the site.

17.4.2 Setbacks

<p>Objective: That building setback:</p> <ul style="list-style-type: none"> a) is compatible with the streetscape; and b) does not cause an unreasonable loss of amenity to adjoining residential zones. 	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Buildings must have a setback from a frontage of:</p> <ul style="list-style-type: none"> a) not less than 5.5m; b) not less than existing buildings on the site; or c) not more or less than the maximum and minimum setbacks of the buildings on adjoining properties. 	<p>P1</p> <p>Buildings must have a setback from a frontage that provides adequate space for vehicle access, parking and 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 road users.
<p>A2</p> <p>Buildings must have setback from an adjoining property within a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone of not less than:</p> <ul style="list-style-type: none"> a) 4m; or b) half the wall height of the building, whichever is the greater. 	<p>P2</p> <p>Buildings must be sited to not cause an unreasonable loss of residential amenity to adjoining properties within a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, having regard to:</p> <ul style="list-style-type: none"> a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings; b) overlooking and reduction of privacy to the adjoining property; or c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining property. visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining property.
<p>A3</p> <p>Air extraction, pumping, refrigeration systems or compressors must be separated a distance of not less than 10m from the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone.</p>	<p>P3</p> <p>Air conditioning, air extraction, pumping, heating or refrigeration systems or compressors within 10m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone must be designed, located, baffled or insulated to not cause an unreasonable loss of amenity to the adjoining residential zones, having regard to:</p> <ul style="list-style-type: none"> a) the characteristics and frequency of emissions generated; b) the nature of the proposed use; c) the topography of the site and location of the sensitive use; and d) any proposed mitigation measures.

A1 – This part is substituted by the amended DEV-S1.7.1

A2 – The proposed buildings have been setback over 10m from adjoining General Residential zoned land.

A3 – Building mechanical service equipment has been located more than 10m from adjoining General Residential zoned land.

17.4.3 Design

Objective: That building design is compatible with the streetscape.	
Acceptable Solutions	Performance Criteria
<p>A1 Buildings must be designed to satisfy all the following:</p> <ul style="list-style-type: none"> a) provide a pedestrian entrance to the building that is visible from the road or publicly accessible areas of the site; b) mechanical plant and other service infrastructure, such as heat pumps, air conditioning units, switchboards, hot water units and the like, must be screened from the street and other public places; c) roof-top mechanical plant and service infrastructure, excluding lift structures, must be contained within the roof or screened from public spaces and adjoining properties; d) not include security shutters or grilles over windows or doors on a façade facing the frontage or other public places; e) provide awnings over a public footpath if existing on the site or on adjoining properties; and f) provide external lighting to illuminate external vehicle parking areas and pathways. 	<p>P1 Buildings must be designed to be compatible with the streetscape, having regard to:</p> <ul style="list-style-type: none"> a) how the main pedestrian access to the building addresses the street or other public places; b) minimising the visual impact of mechanical plant and other service infrastructure, such as heat pumps, air conditioning units, switchboards, hot water units and the like, when viewed from the street or other public places; c) minimising the visual impact of roof-top service infrastructure, excluding lift structures; d) installing security shutters or grilles over windows or doors on a façade facing the frontage or other public spaces only if essential for the security of the premises and other alternatives are not practical; e) the need for provision of awnings over a public footpath; and f) providing suitable lighting to vehicle parking areas and pathways for the safety and security of users.

A1 – The proposed development provides a clear pedestrian pathway through the site, and subject to a condition on the permit will provide additional linkage to the eastern access road onto Stony Rise Road. All building mechanical services and plant are adequately incorporated into the building or screened from public viewing. The design of the buildings does not include any security shutters and awnings over pedestrian areas have been applied where applicable to the internal arrangement of the site. External lighting has not been shown for the car parking areas, however this will be required as a condition on the permit.

17.4.4 Fencing

Objective: That fencing:	
<ul style="list-style-type: none"> a) is compatible with the streetscape; and b) does not cause an unreasonable loss of residential amenity to adjoining residential zones. 	
Acceptable Solutions	Performance Criteria
A1	P1

<p>No Acceptable Solution</p> <p>An exemption applies for fences in this zone – see Table 4.6</p>	<p>A fence (including a free-standing wall) within 4.5m of a frontage must be compatible with the streetscape, having regard to:</p> <ul style="list-style-type: none"> a) its height, design, location and extent; b) its degree of transparency; and c) the proposed materials and construction.
<p>A2</p> <p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, if not within 4.5m of a frontage, must:</p> <ul style="list-style-type: none"> a) have a height above existing ground level of not more than 2.1m; and b) not contain barbed wire. 	<p>P2</p> <p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, if not within 4.5m of a frontage, must not cause an unreasonable loss of residential amenity, having regard to:</p> <ul style="list-style-type: none"> a) their height, design, location and extent; and b) the proposed materials and construction.

No fencing shown in the application.

17.4.5 Outdoor storage areas

<p>Objective:</p> <p>That outdoor storage areas do not detract from the appearance of the site or surrounding area.</p>	
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>
<p>A1</p> <p>Outdoor storage areas, excluding for the display of goods for sale, must not be visible from any road or public open space adjoining the site.</p>	<p>P1</p> <p>Outdoor storage areas, excluding for the display of goods for sale, must be located, treated or screened to not cause an unreasonable loss of visual amenity.</p>

A1 – Outdoor storage areas shown on plan have screening to prevent views of equipment from public areas.

17.4.6 Landscaping

<p>Objective:</p> <p>That landscaping enhances the amenity and appearance of the streetscape where buildings are setback from the frontage.</p>	
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>
<p>A1</p> <p>If a building is set back from a road, landscaping treatment must be provided along the frontage of the site:</p> <ul style="list-style-type: none"> a) to a depth of not less than 5.5m; or b) not less than the frontage of an existing building if it is a lesser distance. 	<p>P1</p> <p>If a building is setback from a road, landscaping treatment must be provided along the frontage of the site, having regard to:</p> <ul style="list-style-type: none"> a) the width of the setback; b) the width of the frontage; c) the topography of the site; d) existing vegetation on the site; e) the location, type and growth of the proposed vegetation; and f) the character of the streetscape and surrounding area.

A1 – The application has indicated areas for landscaping and a condition on the permit will require a landscaping plan to be prepared by a suitably qualified person will be approved and endorsed to form part of this permit prior to the developer seeking approval to construct under the Building Act.

C1.0 Sign Code

The purpose of the sign code is:

- C1.1.1 To provide for appropriate advertising and display of information for business and community activity.
- C1.1.2 To provide for well-designed signs that are compatible with the visual amenity of the surrounding area.
- C1.1.3 To ensure that signage does not disrupt or compromise safety and efficiency of vehicular or pedestrian movement.

C1.6.1 Design and siting of signs

<p>Objective: That:</p> <ul style="list-style-type: none"> (a) signage is well designed and sited; and; (b) signs do not contribute to visual clutter or cause an unreasonable loss of visual amenity to the surrounding area. 	
Acceptable Solutions	Performance Criteria
<p>A1 A sign must:</p> <ul style="list-style-type: none"> (a) be located within the applicable zone for the relevant sign type set out in Table C1.6; and (b) meet the sign standards for the relevant sign type set out in Table C1.6. 	<p>P1.1 A sign must:</p> <ul style="list-style-type: none"> (a) be located within an applicable zone for the relevant sign type as set out in Table C1.6; and (b) be compatible with the streetscape or landscape, having regard to: <ul style="list-style-type: none"> i. the size and dimensions of the sign; ii. the size and scale of the building upon which the sign is proposed; iii. the amenity of surrounding properties; iv. the repetition of messages or information; v. the number and density of signs on the site and on adjacent properties; and vi. the impact on the safe and efficient movement of vehicles and pedestrians.
<p>A2 A sign must be not less than 2m from the boundary of any lot in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone or Landscape Conservation Zone.</p>	<p>P2 A sign must not cause an unreasonable loss of amenity to adjoining residential properties, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site and the surrounding area; (b) the relative location of buildings, habitable rooms of dwellings and private open space; (c) any overshadowing; and (d) the nature and type of the sign.
<p>A3 The number of signs for each business or tenancy on a road frontage of a building must be no more than:</p> <ul style="list-style-type: none"> (a) 1 of each sign type, unless otherwise 	<p>P3 The number of signs for each business or tenancy on a street frontage must:</p> <ul style="list-style-type: none"> (a) not unreasonably increase in the existing level of visual clutter in the streetscape,

<p>stated in Table C1.6;</p> <p>(b) 1 window sign for each window;</p> <p>(c) 3 if the street frontage is less than 20m in length; and</p> <p>(d) 6 if the street frontage is 20m or more, excluding the following sign types, for which there is no limit:</p> <p>i. name plate; and</p> <p>ii. temporary sign.</p>	<p>and where possible, reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs; and</p> <p>(b) not involve the repetition of messages or information.</p>
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The proposed development includes the following signage:

Shopping Centre - 3x wall signs (1x illuminated), totalling 137.1m²; 2x canopy signs, totalling 54.6m²; and 1x below awning sign (illuminated), totalling 7.3m².

Carpark and landscaped areas - 3x 600mm x 1.5m blade signs, 0.9m² each, totalling 2.7m²; 2x 3.8m x 10m blade signs (illuminated), totalling 75m²; 3x ground-based signs, 0.56m², totalling 1.7m²; 1x wall sign (illuminated), totalling 15.6m².

All sign types are permitted within the Commercial zone however some of the signs do not meet the sign standards as set out in the Table C1.6.

P1 – The proposed blade signs, below awning sign and some of the wall signs exceed the dimensions set out in the Table C1.6. Two 10m tall blade signs have been proposed, one within the setback of Stony Rise Road, adjacent to the existing Homemaker sign, and another located on the north-east corner of the round-a-bout on Friend Street where entry to the site is provided. The scale of these signs is considered usual to a grouped development such as proposed as a manner of providing place finding signage in a uniform manner. Further requirements of the amended DEV-S1 restrict further signage such as proposed to be located along the Stony Rise so as to ensure visual amenity is not impacted by further large signs. The remaining signage which exceeds the sign standards are generally contained within the site, located on buildings that are of a scale suitable to the size of the sign. Visual amenity to adjoining properties will not be detrimentally impacted by the proposed signage.

A2 – The proposed signage is located more than 2m from adjoining General Residential zoned land.

A3 – The only signs proposed to be located within the road frontage are the 10m high blade signs. One to each frontage complies with the acceptable solutions.

The amended DEV-S1.7.2 is in addition to this part.

C1.6.2 Illuminated signs

<p>Objective:</p> <p>That:</p> <p>(a) illuminated signs are compatible with the streetscape;</p> <p>(b) the cumulative impact of illuminated signs on the character of the area is managed, including the need to avoid visual disorder or clutter of signs; and</p> <p>(c) any potential negative impacts of illuminated signs on road safety and pedestrian movement are minimised.</p>	
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>
<p>A1</p>	<p>P1</p> <p>An illuminated sign must not cause an</p>

No acceptable solution.	<p>unreasonable loss of amenity to adjacent properties or have an unreasonable effect on the safety, appearance or efficiency of a road, and must be compatible with the streetscape, having regard to:</p> <ul style="list-style-type: none"> (a) the location of the sign; (b) the size of the sign; (c) the intensity of the lighting; (d) the hours of operation of the sign; (e) the purpose of the sign; (f) the sensitivity of the area in terms of view corridors, the natural environment and adjacent residential amenity; (g) the intended purpose of the changing message of the sign; (h) the percentage of the sign that is illuminated with changing messages; (i) proposed dwell time; and (j) whether the sign is visible from the road and if so the proximity to and impact on an electronic traffic control device.
<p>A2 An illuminated sign visible from public places in adjacent roads must not create the effect of flashing, animation or movement, unless it is providing direction or safety information.</p>	<p>P2 No performance criteria.</p>

The proposed signage includes internal illumination to the two blade signs at Stony Rise Road and Friend Street, one wall sign on the north-east façade, one wall sign on the north-west side and one below-canopy sign within the main entry of the supermarket.

P1 – All proposed illuminated signs have been designed in a manner which would reduce the area of lit surface to be mostly text. The Friend Street blade sign, wall signs and below canopy sign are located within the site so as to limit the potential for amenity impacts or visibility outside the Homemaker and Stony Rise Village SAP site.

The proposed blade sign located within the Stony Rise Road setback is consistent with the existing Homemaker sign and considered unlikely to cause visual or amenity impacts due to the illumination.

A2 – A condition on the permit will ensure any illuminated signage visible from public places will not create the effect of flashing, animation or movement.

C2.0 Parking and Sustainable Transport Code

The purpose of the Parking and Sustainable Transport Code is:

- C2.1.1 To ensure that an appropriate level of parking facilities is provided to service use and development.
- C2.1.2 To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.
- C2.1.3 To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.

C2.1.4 To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.

C2.1.5 To ensure that parking spaces and accesses meet appropriate standards.

C2.1.6 To provide for parking precincts and pedestrian priority streets.

C2.5.1 Car parking numbers

Objective:	
That an appropriate level of car parking spaces are provided to meet the needs of the use.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p> <ul style="list-style-type: none"> (a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (b) the site is contained within a parking precinct plan and subject to Clause C2.7; (c) the site is subject to Clause C2.5.5; or (d) it relates to an intensification of an existing use or development or a change of use where: <ul style="list-style-type: none"> i. the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or ii. the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows: $N = A + (C - B)$ <p>N = Number of on-site car parking spaces required</p> <p>A = Number of existing on site car parking spaces</p> <p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1</p> 	<p>P1.1</p> <p>The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the availability of off-street public car parking spaces within reasonable walking distance of the site; (b) the ability of multiple users to share spaces because of: <ul style="list-style-type: none"> i. The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to: ii. efficiencies gained by consolidation of car parking spaces; (c) the availability and frequency of public transport within reasonable walking distance of the site; (d) the availability and frequency of other transport alternatives; (e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping; (f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; (g) the effect on streetscape; and (h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development. <p>P1.2</p> <p>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the nature and intensity of the use and car parking required; (b) the size of the dwelling and the number of bedrooms; and (c) the pattern of parking in the surrounding area.

The proposed development provides 331 car parking spaces, including 9 accessible spaces which exceeds the required number of parking spaces for the uses as specified in the development application.

The proposed development provides 30 bicycle spaces and 9 motorcycle parking spaces which fall short of the requirement by 33 bicycle spaces and 3 motorcycle parking spaces. It is considered the provision satisfies the reasonable needs of the proposed uses, given the provision of car parking, proximity to public transport and potential for pedestrian activity within the immediate residential areas. The performance criteria of C2.5.2 and C2.5.3 is deemed to be satisfied.

The relevant uses of the proposed development have been assessed against the applicable standards under; C2.5.4 Loading bays and C2.6 Development Standards for Buildings and Works and are deemed to satisfy the acceptable solutions.

C3.0 Road and Railway Assets Code

The purpose of the Road and Railway Assets Code is:

C3.1.1 To protect the safety and efficiency of the road and railway networks; and

C3.1.2 To reduce conflicts between sensitive uses and major roads and the rail network.

C3.2.1 This code applies to a use or development that:

- (a) will increase the amount of vehicular traffic or the number of movements of vehicles longer than 5.5m using an existing vehicle crossing or private level crossing;
- (b) will require a new vehicle crossing, junction or level crossing; or
- (c) involves a subdivision or habitable building within a road or railway attenuation area if for a sensitive use.

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

Objective:	
To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.	
Acceptable Solutions	Performance Criteria
<p>A1.1</p> <p>For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <ul style="list-style-type: none"> (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing. <p>A1.2</p> <p>For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p>A1.3</p> <p>For the rail network, written consent for a new private level crossing to serve the use and</p>	<p>P1</p> <p>Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <ul style="list-style-type: none"> (a) any increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any advice received from the rail or road authority.

<p>development has been issued by the rail authority.</p> <p>A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <p>(a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the <i>Roads and Jetties Act 1935</i> in respect to a limited access road.</p> <p>A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	
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This code applies as the proposed development will result in an increase to the movement of vehicles longer than 5.5m through an existing vehicle crossing. The proposal does not require new vehicle crossings.

P1 – The development will increase vehicle movements primarily to and from Friend Street, whilst in turn, Stony Rise Road. The applicant has provided a detailed Traffic Assessment with several scenarios for signalled traffic at the junction of Stony Rise Road and Friend Street. Further consideration for traffic management will be required in conference with Council and the State Road Authority as due process to this combined application. It is assumed further conditions or requirements will be necessary in the Sections 40K & 42 report to be prepared post the public notification period.

Table C3.1 Acceptable increase in average annual daily traffic to and from the site (total of ingress and egress)

Location of vehicular access	Amount of acceptable increase in annual average daily traffic to and from the site (total of ingress and egress)	
	Vehicles up to 5.5m long	Vehicles longer than 5.5m long
Vehicle crossing on major roads and private level crossings	10% or 10 vehicle movements per day, whichever is the greater	10%
Vehicle crossings on other roads	20% or 40 vehicle movements per day, whichever is the greater	20% or 5 vehicle movements per day, whichever is the greater

Devonport Regional Homemaker Centre and Stony Rise Village Specific Area Plan (as amended)

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> <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 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: (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.
General Retail and Hire	If within Stony Rise Village Precinct A and provided the sale or hire of: (a) clothing or footwear (other than personal protective equipment); (b) jewellery; or (c) adult sex products is not a predominant activity. If within Stony Rise Village Precinct B and not for a supermarket, pharmacy or bottle shop and provided the sale or hire of: (a) clothing or footwear (other than personal protective equipment); (b) jewellery; or (c) adult sex products is not a predominant activity.
Service Industry	If for car wash, pet wash 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.
General Retail and Hire	If for a tenancy (within a building) with a gross floor area of not less than 500m ² .
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	

The proposed development will provide for the following uses:

- General Retail and Hire (Supermarket and other small floor area retail),

- Food Services (one drive through and smaller cafes within Supermarket square),
- Business and Professional Services (intended for medical centre or veterinary centre),
- Bulky Goods Sales, and
- Service Industry (car wash and laundromat)

The proposed uses are listed within the permitted section of the use table.

DEV-S1.6.2 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
A1 The gross floor area of a tenancy within a building must not be less than 500m ² with the exception to: (a) Food Services; (b) the use 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.	P1 The proposed use and development must be consistent with local area objectives being: (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 as a neighbourhood centre; and (d) does not unreasonably compromise or distort the role of established activity centres.

A1 – The proposed development meets the acceptable solution as it is located within the Stony Rise Village Precinct A.

DEV-S1.7.1 Setbacks

This is in substitution of the Commercial zone clause 17.4.2 A1 Setbacks

Objective:	
Development of land is to minimise:	
(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 land 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
A1 Buildings and parking areas must: (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	P1 Buildings must have a setback from a frontage that provides suitable amenity for intended users and adequate space for landscaping, having regard to: (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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A1 – The subject site does not have frontage to Bass Highway or Stony Rise Road. Proposed development is located more than 5.5m from Friend Street and other service roads.

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 not be more than 2 signs located within the setback area from the Stony Rise Road frontage.	P3 No Performance Criterion.

A1 – Not applicable.

A2 – Proposed signage does not exceed 10m height.

A3 – The application includes a blade sign within the setback area of Stony Rise Road which paired with the existing Homemaker sign equates to the second sign.

DEV-S1.7.4 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.

A1 – Not applicable.

A2 – The proposed development utilises existing vehicle crossings to Friend Street and Stony Rise Road.

FINANCIAL IMPLICATIONS

No financial implications are predicted because of this proposal.

CONCLUSION

The combined amendment to planning controls for the Devonport Regional Homemaker Centre and Stony Rise Village site will provide an opportunity to further the purpose of encouraging use and development for large format retail whilst providing an opportunity to address the local residents' needs for essential services by way of initiating the neighbourhood centre of Stony Rise Village. The proposed development will facilitate a neighbourhood centre with a large supermarket and essential retail or businesses whilst avoiding a degradation of the intent of the original Homemaker Centre. The removal of the Devonport Homemaker Service Industrial Centre Specific Area Plan from the Devonport Local Planning Provisions will reduce potential land use conflict between residential land which now abuts the site.

The draft amendment and development as proposed will provide ongoing benefit to Devonport both as an economic and employment generator but also by providing an opportunity for community connection and focus, as the location of essential retail, business and services.

ATTACHMENTS

1. DEV-S1.0 Devonport Regional Homemaker Centre and Stony Rise Village Specific Area Plan [**4.1.1** - 7 pages]
2. Application - AM2022.02 & PA2022.0092 - 5 Friend Street [**4.1.2** - 563 pages]
3. Comparison Table - AM2022.02 & PA2022.0092 - 5 Friend Street [**4.1.3** - 5 pages]
4. Section 34(2)- Planning Authority Assessment - AM2022.02 & PA2022.0092 - 5 Friend Street [**4.1.4** - 4 pages]

AM2022.02 – Assessment against the requirements of the *Land Use Planning and Approvals Act 1993*

Section 32 of the *Land Use and Planning Approvals Act 1993* states that:

(4) An LPS may only include a provision referred to in subsection (3) in relation to an area of land if –

a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or

Response: The proposed amendment will facilitate the development for essential retail and service needs for the growing number of residents within Stony Rise, Quoiba, Spreyton and Tugrah without impacting upon the existing Devonport CBD. The amended Devonport Regional Homemaker Centre Specific Area Plan continues to provide a focus on economic benefits of commerce whilst providing a small degree of diversification that is complimentary to the large format retail as established and continues to be encouraged within the site. The initial investment in construction jobs will create further employment opportunities for many residents within the Devonport and surrounding municipalities. The proposed development has the potential to provide significant social benefit to nearby residents with the opportunity for convenient access to essential retail and services within one location, that can be readily accessed as a pedestrian or by public transit.

b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs;

Section 34 of the *Land Use and Planning Approvals Act 1993* states that:

(2) The LPS criteria to be met by a relevant planning instrument are that the instrument –

a) contains all the provisions that the SPPs specify must be contained in an LPS;

Response: The proposed amendment does not alter any provisions that the SPPs specify must be contained in an LPS.

b) is in accordance with section 32;

Response: The proposed amendment is in accordance with section 32 which specifies the requirements of an LPS. The LPS will remain unaltered except in relation to the spatial application of the SPPs and revision of the existing Devonport Regional Homemaker Centre Specific Area Plan (DRHMSAP).

c) furthers the objectives set out in Schedule 1;

Response: The proposed amendment to the DRHCSAP will provide access to essential services for growing suburbs to the south and south-east of the Devonport CBD without negatively impacting the primacy of the existing activity centres. In addition it will allow for development of the land currently contained within the Devonport Homemaker Service Industrial Centre Specific Area Plan which remains undeveloped. The proposed changes will facilitate economic development within the municipality through the creation of jobs and bringing visitors to the area in addition to Bulky Goods Sales premises.

Public involvement will be facilitated during the exhibition of the proposed amendment as per the statutory requirements of Section 40G of the LUPAA.

For the above reasons and in conjunction with the supporting rationale provided by GHD, the proposed amendment is considered to further the objectives set out on in Schedule 1 of LUPAA.

d) *is consistent with each State policy;*

Response:

State Coastal Policy 1996

The policy is not applicable as the site is not within 1km of the high-water mark of the Mersey River.

State Policy on Water Quality Management 1997

The existing provisions of the TPS allow the planning authority to provide controls regarding water quality management.

State Policy on the Protection of Agricultural Land 2009

The proposal does not involve agricultural land and therefore the draft amendment is not subject to the policy.

da) *satisfies the relevant criteria in relation to the TPPs;*

Response: The TPPs have not been adopted.

e) *as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates;*

Response: The draft amendment is consistent with the regional land use strategy with emphasis on economic activity as discussed below:

Cradle Coast Regional Land Use Strategy 2010-2030

Part C – 3.3.9 - Business and Commercial Activity –

- a. *facilitate convenient access in each settlement area to food and convenience goods retailers and services*
- i. *provide designated locations for bulky goods and large format retailing, including for vehicle, building and trade supply, and home improvement goods*

Response: The proposed amendments to the SAP will allow for convenient access to food and convenience goods retailers and services. This will increase the liveability of the southern and south-western areas of Devonport whilst also providing much needed employment.

The provision of a designated location for bulky goods and large format retailing will continue with the proposed changes to the SAP.

It is Council's position that the proposed amendment is appropriately consistent with the economic policy considerations of the Regional Strategy.

- f) *has regard to the strategic plan, prepared under the Local Government Act 1993, that applies in relation to the land to which the relevant planning instrument relates;***

Response: The proposal is in keeping with Strategy 2.1 of the *Devonport Strategic Plan 2009-2030* as the proposed amendment to the existing SAP will provide appropriate land use that is compatible with the surrounding development.

- g) *as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates;***

Response: The draft amendment will not impact any adjacent municipal areas.

- h) *has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019.***

Response: There will be no impact regarding the safety requirements set out in the *Gas Safety Act 2019*.

(2A) *A relevant planning instrument satisfies the relevant criteria in relation to the TPPs if –*

- a) *where the SPPs and the relevant regional land use strategy have not been reviewed under section 30T(1) or section section 5A(8) after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument is consistent with the TPPs, as in force before the relevant planning instrument is made; and***
- b) *whether or not the SPPs and the applicable regional land use strategy have been reviewed under section 30T(1) or section section 5A(8) after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument***

complies with each direction, contained in the TPPs in accordance with section 12B(3) , as to the manner in which the TPPs are to be implemented into the LPSs.

Response: The Tasmanian Planning Policies are yet to be implemented.

- (3) *An amendment of an LPS, or a draft amendment of an LPS, is taken to meet the LPS criteria if the amendment of the LPS, or the draft amendment of the LPS, if made, will not have the effect that the LPS, as amended, will cease to meet the LPS criteria.***

Response: The proposed amendments to the LPS will not result in the LPS ceasing to meet the LPS criteria.

4 PLANNING AUTHORITY MATTERS

Cr Alexiou left the meeting at 6:33 pm.

Cr Murphy left the meeting at 6:33 pm.

4.1 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

22/227 RESOLUTION

MOVED: Cr Perry

SECONDED: Cr Jarman

That Council:

- A. agree to certify amendment AM2022.02 to the Devonport Local Provisions Schedule to:
 - i. Remove the Devonport Homemaker Service Industrial Centre Specific Area Plan from CT167737/18 and delete from the Devonport Local Provisions Schedule;
 - ii. Apply the Devonport Regional Homemaker Centre Specific Area Plan (as amended) to CT167737/18;
 - iii. Set aside request for rezoning CT167737/15, CT173536/16 and CT173536/17 to a Particular Purpose zone;
 - iv. Amend the Devonport Regional Homemaker Centre Specific Area Plan as per section 40F (2) (b) of LUPAA, as set out in Attachment 1;
- B. place Amendment AM2022.02 and application PA2022.0092 on public exhibition for a 4 week period in accordance with sections 40G and 40Z of the *Land Use Planning and Approvals Act 1993*; and
- C. 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 with the following conditions:
 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 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);
4. The developer is to provide footpath connectivity from the development site to Stony Rise Road for pedestrian movement;
5. The developer is to construct the car park to comply with Australian Standards 2890 Parking Facilities Part 1 – 6;
6. The developer is to provide external lighting to illuminate external vehicle parking areas and pathways;
7. 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*;
8. 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;
9. Illuminated signage visible from public places must not create the effect of flashing, animation or movement;
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.

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.

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 7 the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 2-5 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.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Perry and Cr Rockliff

AGAINST: Nil

CARRIED 7 / 0

Cr Alexiou returned to the meeting at 6:41 pm.

Cr Murphy returned to the meeting at 6:41 pm.