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Subject: Planning Scheme Amendment (AP-DEV-AM2022.02) - 1, 5 Friend Street & 88, 90-102 Stony Rise Road, Stony Rise (PS:VML:221853)
Date: Friday, 1 September 2023 9:30:08 AM
Attachments: [Tasmanian Planning Commission 01.09.23.pdf](#)
[\\$40m Stony Rise Village Devonport shopping precinct development back in front of Planning Commission - The Mercury.pdf](#)

Dear Mr Howlett

Please see **attached** correspondence.

Regards,

Anthony Spence SC | Principal

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1 September 2023

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

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

Dear Mr Howlett

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

I generally don't engage with media reports in respect to planning matters in which I am involved. However I feel compelled to bring to the Delegates attention a report in the Mercury of 24 August 2023, copy **attached**.

Firstly my client, Goodstone Pty Ltd or its principals, had nothing to do with the article and indeed were not aware of it until I brought it to their attention.

I am proceeding upon the basis that the Mercury accurately reflects the position taken by the proponent and in particular its CEO Mr Scott Spanton. If that is incorrect and Mr Spanton has been misquoted, or is otherwise inaccurate, I have no doubt Mr Morris will disabuse me.

Implicit in the article is that there are delays associated following objections to the "development application" (noting that is an inaccurate description of that which is before the Commission).

The article fails to state that the lengthy delay was wholly and solely due to Tipalea's application for an adjournment and nothing whatsoever to do with my client. Further, the statement that the decision was disappointing is difficult to reconcile with what occurred.

I am not sure what the "decision" was other than the Commission deciding to acquiesce to an extent to the lengthy delay requested by Mr Spanton.

Even further confusing is a statement the delay comes from "planning" issues and not to do with the development.

One can make the obvious retort that the Tasmanian Planning Commission was created by the *Tasmanian Planning Commission Act 1997 (TPC Act)* is by its very nature created to deal with "planning issues".

However, had that been the only matter contained in the article I expect I would have not taken it further.

However my concern is the following:

"Calling the circumstances "unfortunate", Mr Spanton confirmed that Tipalea will be doing as much as possible "behind the scenes" to ready the development ahead of the hearing in December."

The expression of "behind the scenes" is of particular concern to me and I would seek that it be clarified immediately.

I have raised to the Commission's attention the nature of the hearing, see *R v Davis*¹, essentially being adversarial.

Further, there is both the statutory obligation to observe natural justice, s10(1)(b)(v) of the TPC Act together with related common law obligation, both of which are discussed in *R v Resource Planning & Development Commission; ex parte Dorney (No 2)*².

¹ (1999) 102 LGERA 88

² (2003) 12 Tas R 69

If there is material being prepared adverse to my client then it must be disclosed with sufficient time for me to respond to it, see *R v Land Use Planning Review Panel, ex parte M F Cas Pty Ltd*³ and in another forum *R v Medical Council of Tasmania; Ex parte Dr Harold Stewart Blackburn*⁴.

It is appropriate that I put my client's position fairly and squarely now against the event that I need to rely upon this in another forum.

Yours faithfully



Anthony Spence SC

Principal

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³ (1998) 103 LGERA 38

⁴ (1998) TASSC 14



News

\$40m Stony Rise Village shopping precinct development at Devonport back in front of Planning Commission

Objections to a \$40m shopping precinct development in the state's North-West have put a six-month hamper on completion of the project, with its developers heading back to the Planning Commission. Details

Genevieve Holding


 less than 2 min read August 24, 2023 - 10:46AM

 1 comments



Artist's impression of Stony Rise Village in Devonport.

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A new \$40 million retail centre planned for Devonport has been hit with construction delays for six months following objections to the development application.

Stony Rise Village was intended to be a “full line supermarket” with a car park and specialty stores designed by Sydney-based developers Tipalea Partners, approved unanimously at a Devonport City Council meeting in February this year.

However, two objections to the approval have come from two nearby businesses; the existing owners of Devonport’s Coles and Woolworths supermarket and owners of pubs and bottle shops in the area Goodstone Group.

In documents submitted to the Tasmanian Planning Commission, the Goodstone Group, through representatives Page Seager, said that the Stony Rise development is “developer driven”, “out of centre” and will fragment Devonport’s existing CBD, something that goes against the council’s aims.

CEO of Tipalea Partners Scott Spanton said that while the decision was “disappointing”, the delay comes from planning issues and not to do with the development.

“When Tipalea, local businesses and those involved met with the Planning Commission over the application, it was clear that we would need more than one and a half days to cover everything,” Mr Spanton said.

“Everyone’s schedules clashed until December this year.”

Calling the circumstances “unfortunate”, Mr Spanton confirmed that Tipalea will be doing as much as possible “behind the scenes” to ready the development ahead of the hearing in December.

Mr Spanton said that if approval is granted following the hearings, construction will be planned for the middle of next year, intending for an opening in late 2025.

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