



The City with Spirit

NOTICE OF MEETING

Notice is hereby given that a **Planning Authority Committee** meeting of the Devonport City Council will be held in the Council Chambers, on Monday 18 September 2017, commencing at 5:15pm.

The meeting will be open to the public at 5:15pm.

QUALIFIED PERSONS

In accordance with Section 65 of the *Local Government Act 1993*, I confirm that the reports in this agenda contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

Paul West
GENERAL MANAGER

13 September 2017

**AGENDA FOR A MEETING OF THE PLANNING AUTHORITY COMMITTEE OF
DEVONPORT CITY COUNCIL HELD ON MONDAY 18 SEPTEMBER 2017
AT THE COUNCIL CHAMBERS AT 5:15PM**

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Agenda of a meeting of the Devonport City Council's **Planning Authority Committee** to be held at the Council Chambers, 17 Fenton Way, Devonport on Monday 18, September 2017 commencing at 5:15pm.

PRESENT

		Present	Apology
Chairman	Ald S L Martin (Mayor)		
	Ald C D Emmerton		✓
	Ald G F Goodwin		
	Ald J F Matthews		
	Ald T M Milne		
	Ald L M Perry		

IN ATTENDANCE

All persons in attendance are advised that it is Council policy to record Council Meetings, in accordance with Council's Audio Recording Policy. The audio recording of this meeting will be made available to the public on Council's website for a minimum period of six months.

1.0 APOLOGIES

The following apology was received for the meeting.

Ald C D Emmerton	Apology
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2.0 DECLARATIONS OF INTEREST

3.0 DELEGATED APPROVALS

3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY 7 AUGUST 2017 - 7 SEPTEMBER 2017

ATTACHMENTS

- [1.](#) Delegated Planning Approvals 7 August 2017 - 7 September 2017

RECOMMENDATION

That the list of delegated approvals be received.

Author:	Jennifer Broomhall	Endorsed By:	Matthew Atkins
Position:	Planning Administration Officer	Position:	Deputy General Manager

Planning Applications approved under Delegated Authority 7 August 2017 - 7 September 2017			
Application No.	Location	Description	Approval Date
PA2017.0056	3 Jabez Drive, Devonport	Residential (multiple dwellings x 2) - assessment against performance criteria for setbacks and building envelope and Traffic Generating Use and Parking Code	14/08/2017
PA2017.0057	4 Jabez Drive, Devonport	Residential (multiple dwellings x 2) with assessment against performance criteria for setbacks and building envelope, privacy and Traffic Generating Use and Parking Code	15/08/2017
PA2017.0066	66 Murray Street, East Devonport	2 lot subdivision (1 additional lot)	7/08/2017
PA2017.0076	59 Nielsens Road, Tugrah	2 lot subdivision	21/08/2017
PA2017.0077	41 Melrose Road, Aberdeen	Residential (carport extension) – assessment against performance criteria for location and configuration of development	7/08/2017
PA2017.0082	48-54 Oldaker Street, Devonport	Permitted: Business and professional services (medical centre) Discretionary: Alterations and additions to existing building assessment against performance criteria under clause 15.4.3 – Location and configuration of development	14/08/2017
PA2017.0086	130a River Road, Ambleside	Residential (dwelling extensions) - assessment against performance criteria for setbacks and building envelope	17/08/2017
PA2017.0088	3 Talbor Court, Aberdeen	Residential (single dwelling and outbuilding) assessment against performance criteria for location and configuration of development	10/08/2017
PA2017.0089	204 Melrose Road, Aberdeen	Residential (Carport and gazebo) - assessment against performance criteria for location and configuration	15/08/2017
PA2017.0091	10363 Bass Highway, Rural Lands	Sign – assessment against performance criteria under Sign Code and Local Heritage Code	16/08/2017
PA2017.0092	3 Girdlestone Street, Devonport	Residential (dwelling and shed) – assessment against performance criteria for setbacks and building envelope	21/08/2017
PA2017.0093	49 Hiller Street, Devonport	Residential (as constructed veranda and deck) - assessment against performance criteria for setbacks and building envelope	1/09/2017
PA2017.0094	191 William Street, Devonport	Residential (demolition of existing dwelling and construction of multiple dwellings x 2) - assessment against performance criteria for General Residential provisions 10.4.2, 10.4.3 and Traffic Generating Use and Parking Code	29/08/2017
PA2017.0095	57 Dana Drive, Devonport	Residential (shed) - assessment against performance criteria for building envelope	10/08/2017
PA2017.0096	13 Rose Court, Devonport	Residential (dwelling addition) - assessment against performance criteria for reduced side boundary setback	29/08/2017

Planning Applications approved under Delegated Authority 7 August 2017 - 7 September 2017			
Application No.	Location	Description	Approval Date
PA2017.0097	5 Squibbs Road, Spreyton	Residential (single dwelling)	14/08/2017
PA2017.0098	19-21 Thomas Street, East Devonport	Educational and occasional care (alterations and additions to East Devonport Primary School)	16/08/2017
PA2017.0100	4 Matthews Way, Devonport	Change of use to allow Bulky Goods Sales	18/08/2017
PA2017.0101	2 Murray Street, East Devonport	Rezoning from Port and Marine zone to Local business zone to allow the development of a retail complex	4/09/2017
PA2017.0103	32 Dana Drive, Devonport	Residential (multiple dwellings x 2) – assessment against performance criteria for setbacks and building envelope (front setback variation) & Traffic Generating Use and Parking Code	6/09/2017
PA2017.0104	18 Mulligan Drive, Spreyton	Residential (single dwelling and shed) - assessment against performance criteria for setbacks and building envelope	1/09/2017
PA2017.0106	73 Mary Street, East Devonport	Residential (aged care facility extensions)	30/08/2017
PA2017.0107	37 North Fenton Street, Devonport	Residential (garage/ancillary dwelling) - assessment against performance criteria for setbacks and building envelope	7/09/2017
PA2017.0110	44 Stewart Street, Devonport	Sports and Recreation (Gymnasium)	16/08/2017
PA2017.0112	25 Forest Heights Drive, Tugrah	Residential (single dwelling)	6/09/2017
PA2017.0119	32a Ronald Street, Devonport	Visitor Accommodation	5/09/2017

4.0 DEVELOPMENT REPORTS

4.1 PA2017.0114 RESIDENTIAL (OUTBUILDING) - ASSESSMENT AGAINST PERFORMANCE CRITERIA FOR SETBACKS AND BUILDING ENVELOPE - 17 LEARY AVENUE STONY RISE

File: 34459 D491484

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 2.1.1 Apply and review the Devonport Interim Planning Scheme as required, to ensure it delivers local community character and appropriate land use
- Strategy 2.1.2 Provide high quality, consistent and responsive development assessment and compliance processes

PURPOSE

The purpose of this report is to enable Council's Planning Authority Committee to make a decision regarding planning application PA2017.0114.

BACKGROUND

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant:	Mr AP Best
Owner:	Miss EJ Forth
Proposal:	Residential (outbuilding) - assessment against performance criteria for setbacks and building envelope
Existing Use:	Vacant Land
Zoning:	General Residential
Decision Due:	26/09/2017

SITE DESCRIPTION

The subject site is a 1,264m² block of land on the southern side of Leary Avenue. The block has an elevated perspective with a northerly aspect. Immediately south of the land is the edge of the bushland identified as the Kelcey Tier Greenbelt which also provides the southern edge to the other lots in The Tiers Building Estate.

In March this year a similar application was made for this partially constructed building in an attempt to validate the works undertaken to date and allow work to continue. This attracted numerous representations which required the Planning Authority Committee (PAC) to decide the application. This was submitted with a recommendation for approval to the PAC for a decision at their meeting on 8 May 2017. The decision made was to refuse the application for the following reason:

'The Planning Authority is not satisfied that the application has demonstrated that it meets the performance criteria in relation to the visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot in accordance with the requirements of Clause 10.4.2, Performance Criteria 3 of the Devonport Interim Planning Scheme 2013.'

This decision was appealed by the applicant (RMPAT 72/17P) and after considerable communication between the applicant, the representatives, Council and the Tribunal the applicant chose to withdraw the Appeal.

Historically a planning permit was granted in 2013 (PA2013.0018) for a 14m wide x 9m long outbuilding on this lot. This structure was proposed to be situated in the southwestern corner of the block adjacent to the neighbour's outbuilding at 16 Leary Avenue. This proposal never advanced to a building and plumbing permit application and the planning permit subsequently lapsed.

The current situation is that further construction of the partially developed structure cannot occur until this planning application is granted consent and the subsequent building and plumbing permits are in place.

APPLICATION DETAILS

Due to the abandonment of the 2013 application and the withdrawal of the 2017 Appeal the applicant's only ability to gain consent is to submit a revised application. This now includes other supporting details of how the block is intended to be developed.

The application is appended to this report as **Attachment 1**.

These details include:

A two-storey residential home with rendered external finishes. This has been assessed as not requiring a planning permit and is included to demonstrate that the intention is to develop the site similar to many others in the locality by having a large home on the front portion of the block with a traditional outbuilding sited to the rear of the block. The predicted façade as submitted by the applicant is reproduced below.



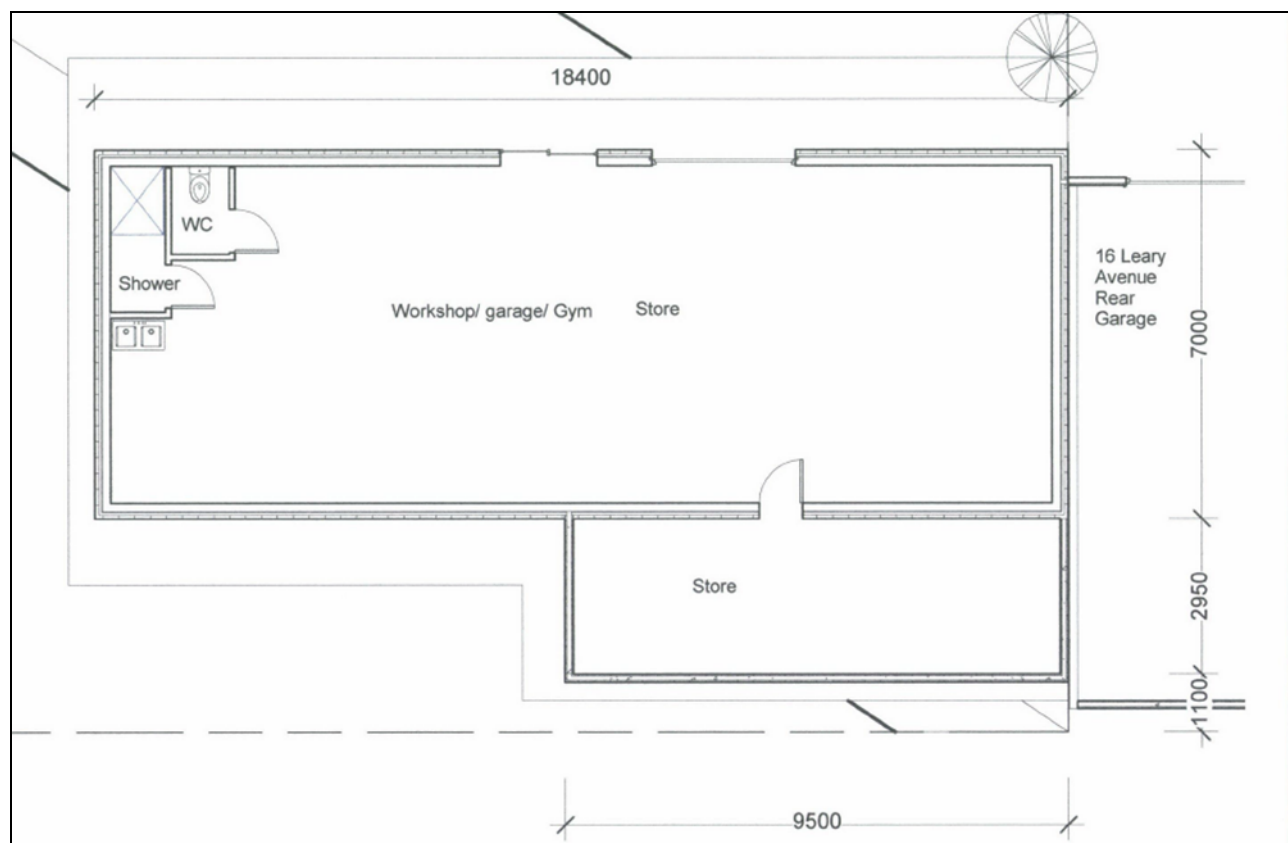
Photo imagery source: E Forth PA2017.0114

The second component of the application is the outbuilding to be used as a domestic workshop and home-based gym. This building is the structure that is subject to this planning application. The design includes the capacity to accommodate solar panels on the roof. The northern wall facing the street will be clad and rendered to suit the colour scheme of the house and internally a shower, sink and toilet will be provided.

This proposal differs from the March 2017 application and reflects the visible dimensions of the current building form with the addition of a storage component on the southern side

that adjoins the existing outbuilding on the adjacent lot at 16 Leary Avenue and extends to within 1.1m from the southern boundary. This is virtually the same position of the application that received planning consent in 2013.

The floor plan of the proposed building is reproduced below.



Plan source: E Forth PA2017.0114

The use of the building for a home-based gym has also been considered. *The Devonport Interim Planning Scheme 2013 (DIPS)* recognises 'home based business' and includes 11 tests that need to be satisfied. These criteria are reproduced below from the DIPS.

Home based business means use of part of a dwelling by a resident for non-residential purposes if:

- (a) No more than 50m² of floor area of the dwelling is used for the non-residential purposes;
- (b) The person conducting the business normally uses the dwelling as their principal place of residence;
- (c) It does not involve employment of more than two workers who do not reside at the dwelling;
- (d) Any load on a utility is no greater than for a domestic use;
- (e) There is no activity that causes electrical interference to other land;
- (f) There is, on the site, no storage of hazardous materials;
- (g) There is, on the site, no display of goods for sale;
- (h) There is, on the site, no refuelling, servicing or repair of vehicles not owned by a resident;

- (i) Not more than two commercial vehicles are on the site at any one time and no commercial vehicle on the site exceeds two tonnes; and
- (j) All vehicles used by the business are parked on site.

(NB: a dwelling includes any associated outbuilding)

The DIPS acknowledge today's workplace situation in society and recognises a need for home based businesses to operate without the need for a rigorous assessment if the previous tests can be satisfied. It can apply to various activities including small trade contracting businesses such as plumbing and electrical as well as professional occupations such as massage therapy and engineering consultancy.

A defined home-based business use in the General residential zone is treated the same as a single dwelling use in that there is no need to require a planning permit if the standards are met.

The third component of the application is to plant a row of pittosporum trees on the eastern boundary that adjoins 16 Leary Avenue. These plantings have been included as part of an apparent arrangement between neighbours to shield the view of the outbuilding from No. 16.

The only matter for the Planning Authority to consider is the proximity of the residential outbuilding to the eastern and southern boundaries and how the Performance Criteria (PC) for the particular development standard can be met. Similar issues were identified in the most recent planning application that was submitted to the PAC in May earlier this year.

This application has addressed the reason given for refusal as well as other matters raised during the Appeal process to provide a more comprehensive application for consideration. This application must be assessed on its merits and the analysis undertaken to determine if the Performance Criteria can be satisfied is contained in the following paragraphs.

PLANNING ISSUES

The land is zoned General Residential under the *Devonport Interim Planning Scheme 2013* (the DIPS). In general terms any development for residential use can achieve a 'no permit required' status if the relevant use or development zone and code standards satisfy the Acceptable Solutions (AS) of the relevant standard in DIPS.

If the AS of an identified development standard cannot be satisfied then reliance on the Performance Criteria (PC) is required to achieve a permit. If the PC cannot be satisfied then the application must be refused.

In this proposal there is reliance on the PC because the AS for the prescribed rear setback and building envelope cannot be met. These PC rely upon the siting and scale of application not causing unreasonable loss of amenity to the habitable rooms and private open space on adjoining land due to overshadowing, loss of sunlight and the bulk and scale of the development. In effect the PC only apply to the outbuilding because the house does not require a planning permit.

The eastern boundary wall of the outbuilding is partly higher than 3m and as a consequence a portion of the building is outside the prescribed building envelope due to the wall height. However due to the forward sloping roof and ground levels the overall building is well under the overall height threshold of 8.5m. Secondly the setback between the rear boundary of the lot and the southern wall of the outbuilding is closer (1.1m) than the compliant 4.5m prescribed in the AS.

The effects of overshadowing from this proposal is to a large extent mitigated by the building position and orientation of land. This only allows overshadowing without any detriment to occur over land due south into the greenbelt.

The following diagram has been reproduced to depict the longitudinal eastern elevation of the site with appropriate labelling added as appropriate.

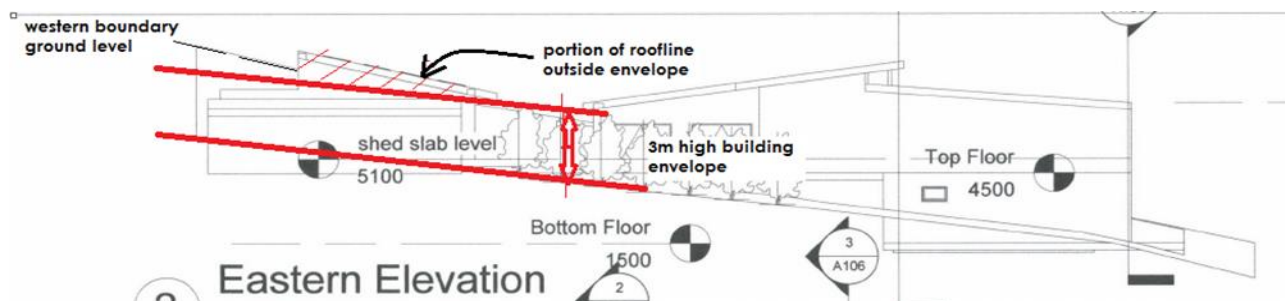


Image source: E Forth PA2017.0114

Additional comments: DCC Planning Co-ordinator, 7.09.2017

The relativity between the roof line of the building at 16 Leary Avenue and the ground level has been accurately depicted by computer aided drafting after levels were factored in. The accuracy is confirmed by the photograph taken for the previous application (PA2017.0040) to demonstrate the difference between the two buildings. (The outbuilding for No. 16 Leary is on the left. The incomplete clad structure is the outbuilding on 17 Leary Avenue.



Photograph 1 - looking south along the shared boundary between 16 and 17 Leary Avenue
26 April 2017, approximately 1630hrs

The matter to decide if refusal is to be contemplated is to virtually prove that the roof line of the building at 17 Leary Avenue will cause a loss of amenity from overshadowing and that the PC cannot be satisfied. From calculations undertaken and on-site observations it is submitted that the building will not overshadow any private open space or habitable rooms on adjoining land.

These PC are therefore deemed to be satisfied.

Further PC consider the virtual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot. The effects of this if any will be alleviated by the finally built proportions between the main building and outbuilding. It is submitted that the bulk and scale proportions are reasonable and that the proposal creates an issue where this criterion is deemed to be satisfied. The matter to decide if refusal is contemplated is that the building when viewed from adjoining lots causes a visual impact due to its scale, bulk or proportion.

The following drawing is another computer aided drafting view, this time of the northern elevation. The garage at 16 Leary Avenue is noticeable on the left (east) with the solar panels on the outbuilding partly visible behind the proposed house.



Image source: E Forth PA2017.0114

This perceived view is taken from a point north of the house on a horizontal plane extending from the virtual ground floor level of the house.

The actual view observed from a position on the street in front of the block would realise that the outbuilding is hidden behind the house and only visible if looking southward up the driveway.

Based on the information submitted, on site observations and computer aided imagery it is concluded that in summary the application has demonstrated compliance with the development standards of the zone by satisfying the identified Performance Criteria.

COMMUNITY ENGAGEMENT

On 15/08/2017, Council received an application for the above development. Under Section 57(3) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority must give notice of an application for a permit. As prescribed at Section 9(1) of the *Land Use Planning and Approvals Regulations 2014*, the Planning Authority fulfilled this notification requirement by:

- (a) Advertising the application in *The Advocate* newspaper on 19/08/2017;
- (b) Making a copy of the proposal available in Council Offices from the 19/08/2017;
- (c) Notifying adjoining property owners by mail on 18/08/2017; and
- (d) Erecting a Site Notice for display from the 18/08/2017.

REPRESENTATIONS

The period for representations to be received by Council closed on 04/09/2017. Three representations were received within the prescribed 14 day public exhibition period.

These are appended as **Attachment 2**.

DISCUSSION

The representations have commonality on several matters with some singular matters also submitted. These have been summarised as follows.

1. **The front setback for the proposed house is 4.9m from the front boundary.**
Comments: The compliant primary frontage setback in the DIPS is 4.5m in this zone. It is acknowledged that the previous planning scheme required a 7.5m setback. The DIPS does require a comparable setback but only if dwellings exist on both adjoining sites. There is no ability available for the Planning Authority to impose a greater frontage setback.
2. **The outbuilding is to be used a home-based gym business in a residential area with associated impacts of possible on street parking causing traffic problems.**
Comments: The home-based business does not require a planning permit to be considered if the 11 tests can be satisfied. One of the tests includes a requirement that all vehicles used by the business are parked on the site. This is a reasonable requirement and any concerns that future activities are not compliant can be dealt with by the planning infringement provisions of the Act.
3. **There was a commitment made by the applicant to keep the outbuilding to its current size.**
Comments: The applicant withdrew his Appeal against the Planning Authority's decision to refuse the application before the matter was determined by the Appeal Tribunal. In effect any commitment could not be considered and therefore has no validity or legal standing in the outcome of the current application.
4. **The height of the outbuilding should be lowered to assist with the visual impact.**
Comments: Commentary has been provided in the body of this report that discusses the lessening of any visual impact with a conclusion deeming the Performance Criteria satisfied. The lots in this vicinity of Leary Avenue have the ideal northern aspect and the elevation offers clear view corridors in many directions. The observed design practices indicate that living areas are located on the northern elevation and on many sites the second level of the homes in Leary Avenue. It would be unlikely that living rooms would have a southerly aspect in this situation when the view is uninhibited to the north.

Any lessening of height would affect the placement and installation of the solar panels.
5. **No details of the construction procedure, materials or type of finish have been provided.**
Comments: The applicant has indicated that the outbuilding on the northern side facing the street will be clad and rendered to suit the colour scheme of the house.

The matter of colours and finishes is not a primary planning consideration or a legislative requirement in most jurisdictions and the ability for Council to impose conditions on colours texture and materials is not reinforced in the DIPS provisions.

6. An inappropriate species of trees has been specified to eliminate visual impacts. The trees will also create a possum habitat and an alternative option should be decided.

Comments: The tree planting seems to be part of an incomplete arrangement between the parties. Council was not privy to any discussions. There is nothing in the planning scheme requiring such measures to be employed.

7. It is requested that Council put a time frame on the completion of the outbuilding, house, the boundary visual elimination concerns and the grounds.

Comments: Under clause 8.11 of the DIPS there is limited capacity to impose conditions and restrictions in regard to timetables for commencing and completing stages. Although the capacity is there it doesn't provide guidance on the measures to be undertaken if the timetables are not followed. The planning legislation requires substantial commencement within two years of the planning permit being issued. This means that building and plumbing permits have been issued and a physical start made. It is submitted that the building has substantially commenced albeit without building consent which will be applied for if the planning application is approved.

The Building Act has similar timetables and also includes a start by date.

In summary nothing has been submitted that provides any substantive reasons as to how the identified Performance Criteria have not been satisfied.

FINANCIAL IMPLICATIONS

No financial implications are predicted unless an appeal is made to the Tribunal against the decision and legal counsel is required to defend the Planning Authority decision.

RISK IMPLICATIONS

No risks to the Council have been identified based on the provision of inaccurate information or improper assessment processes being undertaken.

CONCLUSION

The application has undergone the required assessment process to determine whether an appropriate recommendation can be made for the submitted application. The representations have been assessed and the primary matters of concern are not based on the actual discretion conferred to Council to decide the application. The issues that do have relevance have been considered and comments provided previously conclude that the Performance Criteria have been satisfied.

ATTACHMENTS

- [↓](#) 1. Application for Planning Permit - PA2017.0114 - 17 Leary Avenue
- [↓](#) 2. All representations - PA2017.0114 - 17 Leary Avenue

RECOMMENDATION

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2017.0114 and grant a Permit to use and retrospectively develop land identified as 17 Leary Avenue, Stony Rise for the following purposes:

- Residential (outbuilding) - assessment against performance criteria for setbacks and building envelope

Subject to the following conditions:

1. The use and development is to proceed generally in accordance with the submitted plans referenced as Eloise Forth, 17 Leary Avenue dated 11 August 2017 copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The developer is to take all reasonable steps during construction to minimise off site environmental effects occurring that might result in a nuisance. This includes air, noise and water pollution and doesn't allow for burning of any waste materials.
3. The developer is to utilise the existing stormwater service connection and driveway and kerb crossover for the purposes of this development.

Note: The following is provided for information purposes.

- A This is not a building or plumbing permit. Prior to commencing any building or plumbing work the developer is to obtain the necessary building & plumbing approvals & provide the required notifications in accordance with the Building Act 2016.
- B In regard to condition 2 this includes ensuring that noise emitted from portable apparatus and hours of operation of those devices are within the scope indicated by the Environmental Management and Pollution Control (Noise) Regulations 2016.
- C In regard to condition 3 the applicant should contact Council's Engineering Department with any enquiries.
- D The permitted development is to be used only for activities associated with the General residential zoning of the land.

Author:	Shane Warren	Endorsed By:	Matthew Atkins
Position:	Planning Coordinator	Position:	Deputy General Manager

15/08/2017 D487412

Office use
Application no. <u>PA 2017.0114</u>
Date received: <u>15/08/2017</u>
Fee: <u>\$ 455</u>
Permitted/Discretionary

Devonport City Council

Land Use Planning and Approvals Act 1993

Devonport Interim Planning Scheme 2013

Application for Planning Permit**Use or Development Site**

Street Address: 17 LEARY AVENUE
DEVONPORT

Certificate of Title Reference No.: _____

Applicant's Details

Full Name/Company Name: ELOISE FORTH
ANDREW BEST

Postal Address: PO 80
DON

Telephone: _____

Email: apb.69@hotmail.com

Owner's Details (if more than one owner, all names must be provided)

Full Name/Company Name: ELOISE FORTH

Postal Address: PO BOX 80
DON

Telephone: _____

Email: _____



ABN: 47 611 446 016
 PO Box 604
 17 Fenton Way
 Devonport TAS 7310
 Telephone 03 6424 0511
 Email
council@devonport.tas.gov.au
 Web
www.devonport.tas.gov.au

15/08/2017 D487412

Sufficient information must be provided with an application to demonstrate compliance with all applicable standards, purpose statements in applicable zones, codes and specific area plans, any relevant local area objectives or desired future character statements.

Please provide one copy of all plans with your application.

Assessment of an application for a Use or Development

What is proposed?: HOUSE + OUTBUILDING

Description of how the use will operate:

Use Class (Office use only): RESIDENTIAL - SINGLE DWELLING
(NO PERMIT REQUIRED) ^{verified} 15/08/2017
+ OUTBUILDING - Assessment against
performance criteria for building
envelope (side + rear boundary variations)

15/08/2017 D487412

- - Applications may be lodged by email to Council - council@devonport.tas.gov.au. The following information and plans must be provided as part of an application unless the planning authority is satisfied that the information or plan is not relevant to the assessment of the application:

Application fee	
Completed Council application form	
Copy of certificate of title, including title plan and schedule of easements	
Demonstration of compliance with performance criteria and relevant codes	
A site analysis and site plan at an acceptable scale on A3 or A4 paper (1 copy) showing:	
• The existing and proposed use(s) on the site	
• The boundaries and dimensions of the site	
• Typography including contours showing AHD levels and major site features	
• Natural drainage lines, watercourses and wetlands on or adjacent to the site	
• Soil type	
• Vegetation types and distribution, and trees and vegetation to be removed	
• The location and capacity of any existing services or easements on the site or connected to the site	
• Existing pedestrian and vehicle access to the site	
• The location of existing adjoining properties, adjacent buildings and their uses	
• Any natural hazards that may affect use or development on the site	
• Proposed roads, driveways, car parking areas and footpaths within the site	
• Any proposed open space, communal space, or facilities on the site	
• Main utility service connection points and easements	
• Proposed subdivision lot boundaries, where applicable	
• Details of any proposed fencing	
Where it is proposed to erect buildings, a detailed layout plan of the proposed buildings with dimensions at a scale of 1:100 or 1:200 on A3 or A4 paper (1 copy) showing:	
• The internal layout of each building on the site	
• The private open space for each dwelling	
• External storage spaces	
• Car parking space location and layout	
• Major elevations of every building to be erected	
• The relationship of the elevations to natural ground level, showing any proposed cut or fill	
• Shadow diagrams of the proposed buildings and adjacent structures demonstrating the extent of shading of adjacent private open spaces and external windows of buildings on adjacent sites	
• Materials and colours to be used on roofs and external walls	
A plan of the proposed landscaping including:	
• Planting concept	
• Paving materials and drainage treatments and lighting for vehicle areas and footpaths	
• Plantings proposed for screening from adjacent sites or public spaces	
Details of any signage proposed	

If all of the above information is not provided to Council at the time of lodgement the application will not be accepted.

15/08/2017 D487412

Value of use and/or development *Outbuilding*
 \$ *250K* *overall* *Shed (\$22K)*

Notification of Landowner/s (s.52 Land Use Planning and Approvals Act, 1993)

If land is not in applicant's ownership

I, Andrew Best declare that the owner
 /each of the owners of the land has been notified/will be notified within 7 days from date of making
 this permit application.

X Applicant's signature:  Date: 15/08/2017

If the application involves land owned or administered by the Devonport City Council

Devonport City Council consents to the making this permit application.

General Manager's signature: _____ Date: _____

If the application involves land owned or administered by the Crown

Consent must be included with the application.

Signature

I apply for consent to carry out the development described in this application. I declare that all the information given is true and correct. I also understand that:

- if incomplete, the application may be delayed or rejected;
- more information may be requested within 21 days of lodgement; and
- The application may take 42 days to determine.

PUBLIC ACCESS TO PLANNING DOCUMENTS

I, the undersigned understand that all documentation included with this application will be made available for inspection by the public. Copies of submitted documentation, with the exception of plans which will be made available for display only, may be provided to members of the public, if requested.

X Applicant's signature:  Date: 15/08/2017

PRIVACY ACT

The personal information requested on this form is being collected by Council for processing applications under the Land Use and Planning Approvals Act 1993 and will only be used in connection with the requirements of this legislation. Council is to be regarded as the agency that holds the information.

Fee & payment options – Please pay fee when lodging your completed application form

	Payment in Person Customer Service hours are between 8.30am and 5.00pm, Mon-Fri. Payment may be made by cash, credit card, cheque or EFTPOS.
	Payment by Mail Cheques should be made payable to Devonport City Council and posted to The General Manager, Devonport City Council, PO Box 604, Devonport, TAS, 7310.
	Credit Card Payment by Phone Please contact the Devonport City Council offices on 6424 0511. Customer Service hours are between 8.30am and 5.00pm, Monday to Friday.

the **List****FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

15/08/2017 D487412



OWNER GOLD COAST HOLIDAY RESORT MANAGEMENT PTY LTD R.L. & B.J. LEARY FOLIO REFERENCE F/R.109276-1 GRANTEE PART OF LOT 5126, 142 ACRES GTD TO BENJAMIN WILLIAMSON CAMPION PART OF LOT 30589, 1A.14.34m P. gtd to ALFRED HENRY LEE PART OF LOT 4575, 1976.2m P. GTD TO ANDREW MURRAY-MILLIGAN PART OF LOT 9716, 56 ACRES GTD TO GEORGE FREDERICK BRADLEY		PLAN OF SURVEY BY SURVEYOR KEN MICHELL of MICHELL HODGETTS & ASSOC. P/L Po.Box 712 DEVONPORT, 7310 LOCATION CITY OF DEVONPORT SCALE 1:3000 LENGTHS IN METRES		REGISTERED NUMBER SP145993 REGISTERED NUMBER APPROVED EFFECTIVE FROM - 7 MAR 2006 <i>Alice Kawa</i> Recorder of Titles
MAPSHEET MUNICIPAL CODE No. 108 (4443-11)	LAST UPI No. 4607083	LAST PLAN No. D109276	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN	

LOT 2000 IS COMPILED FROM SP.104647 & THIS SURVEY

C848552 DELETING THE DRAINAGE EASEMENTS FROM LOT 2000 HEREON WHICH NOW FALL WITHIN LOTS 1005 AND 1007 ON SP153443 PURSUANT TO A REQUEST TO AMEND UNDER SECTION 103 OF THE LOCAL GOVERNMENT (BUILDING AND MISCELLANEOUS PROVISIONS) ACT 1993

Alice Kawa
 RECORDER OF TITLES
 26 MAY 2008

LOT NUMBERS 128 129 & 130
 HEREON AMENDED 11TH APRIL 2006

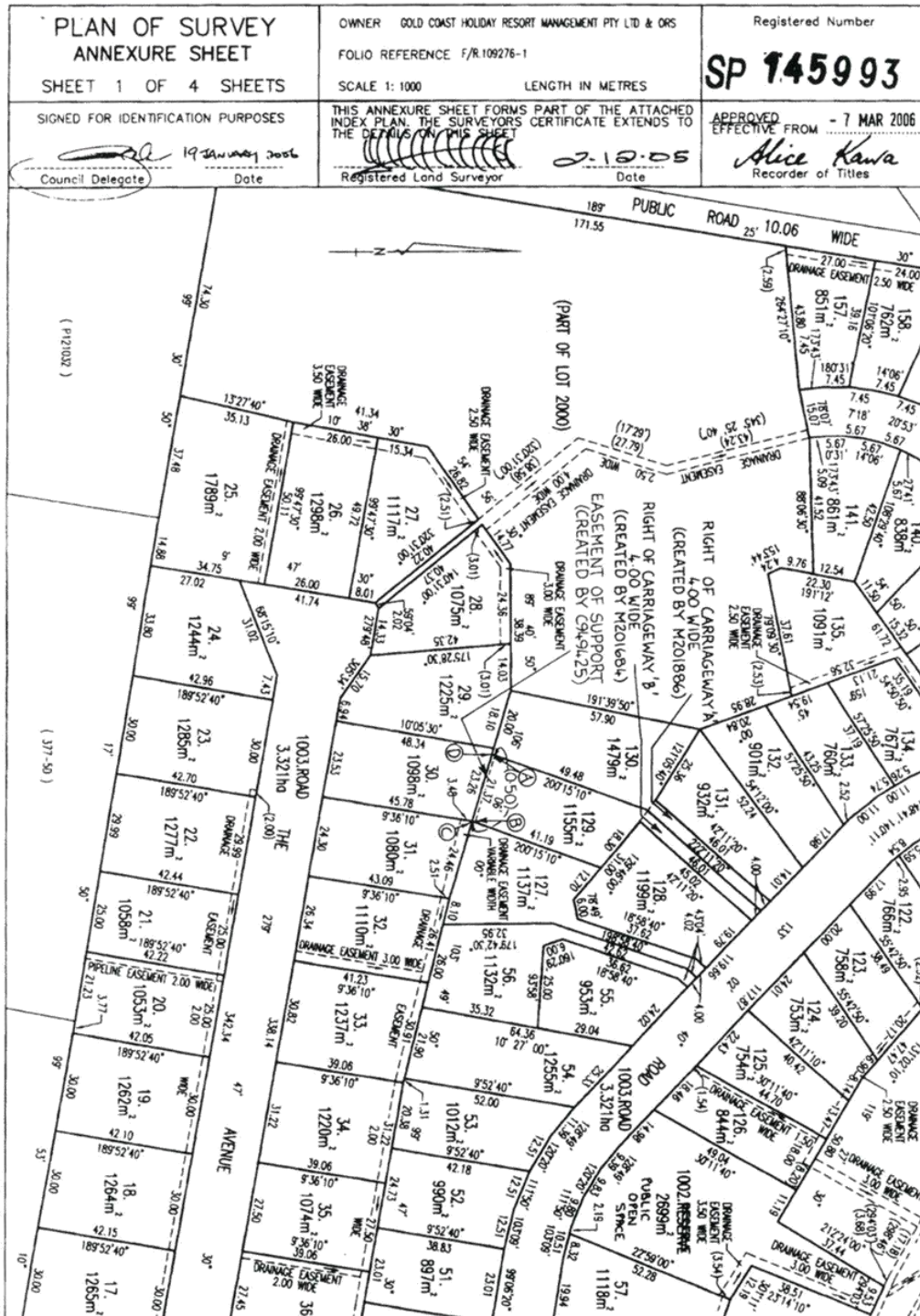
COUNCIL DELEGATE *[Signature]* 19 JANUARY 2006
 DATE

15/08/2017 D487412

the **List**...**FOLIO PLAN**

RECORDER OF TITLES

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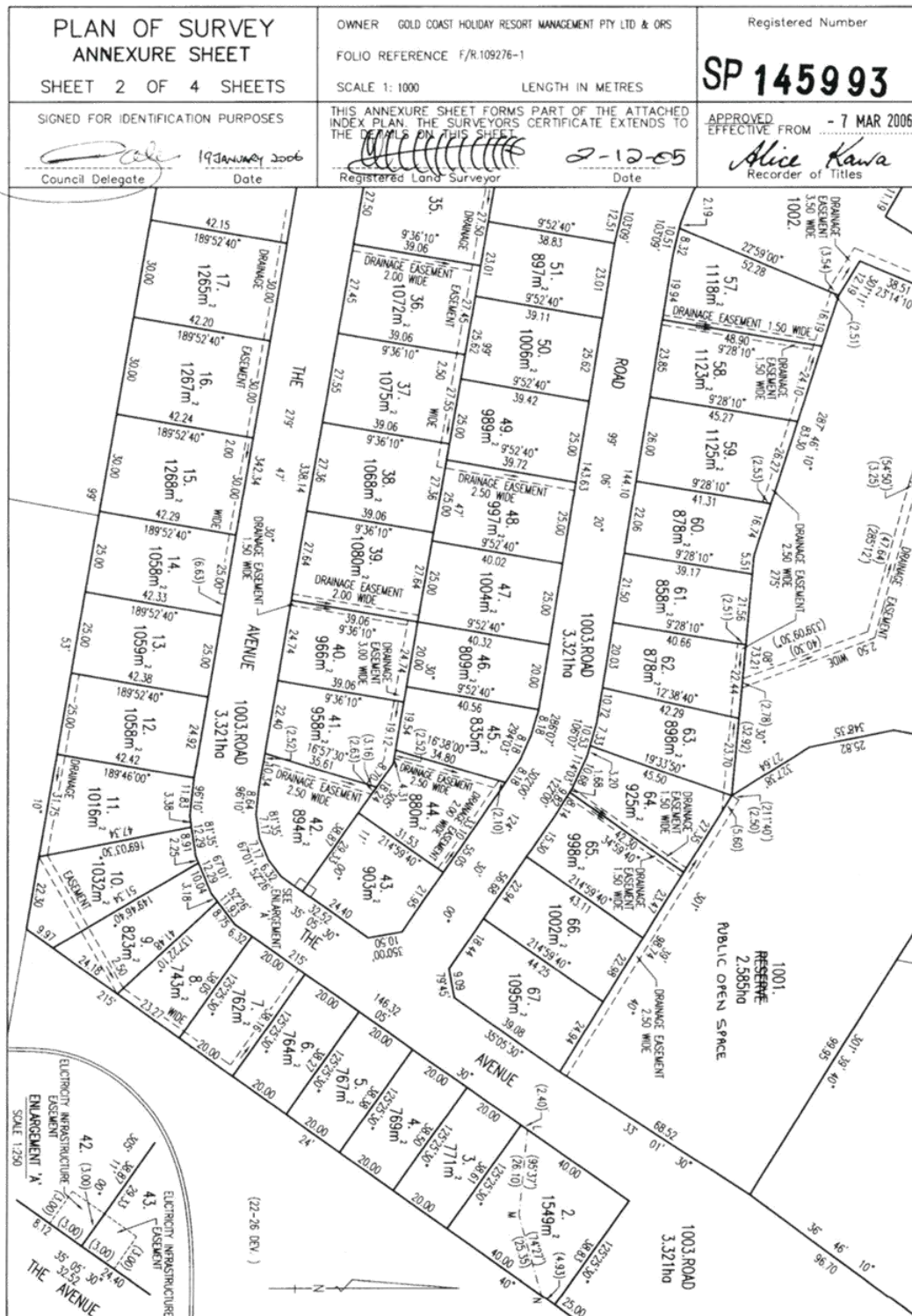


FOLIO PLAN

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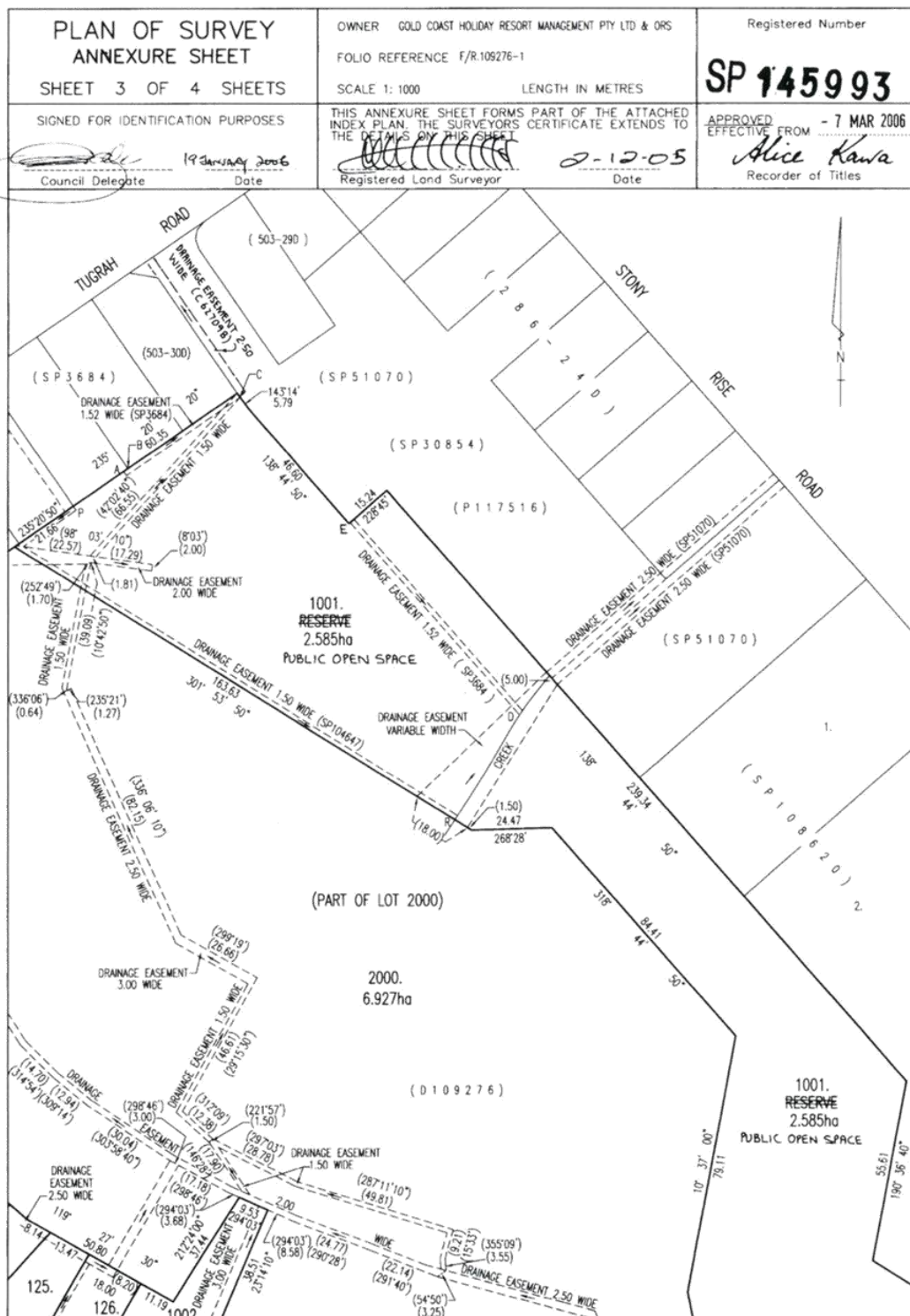


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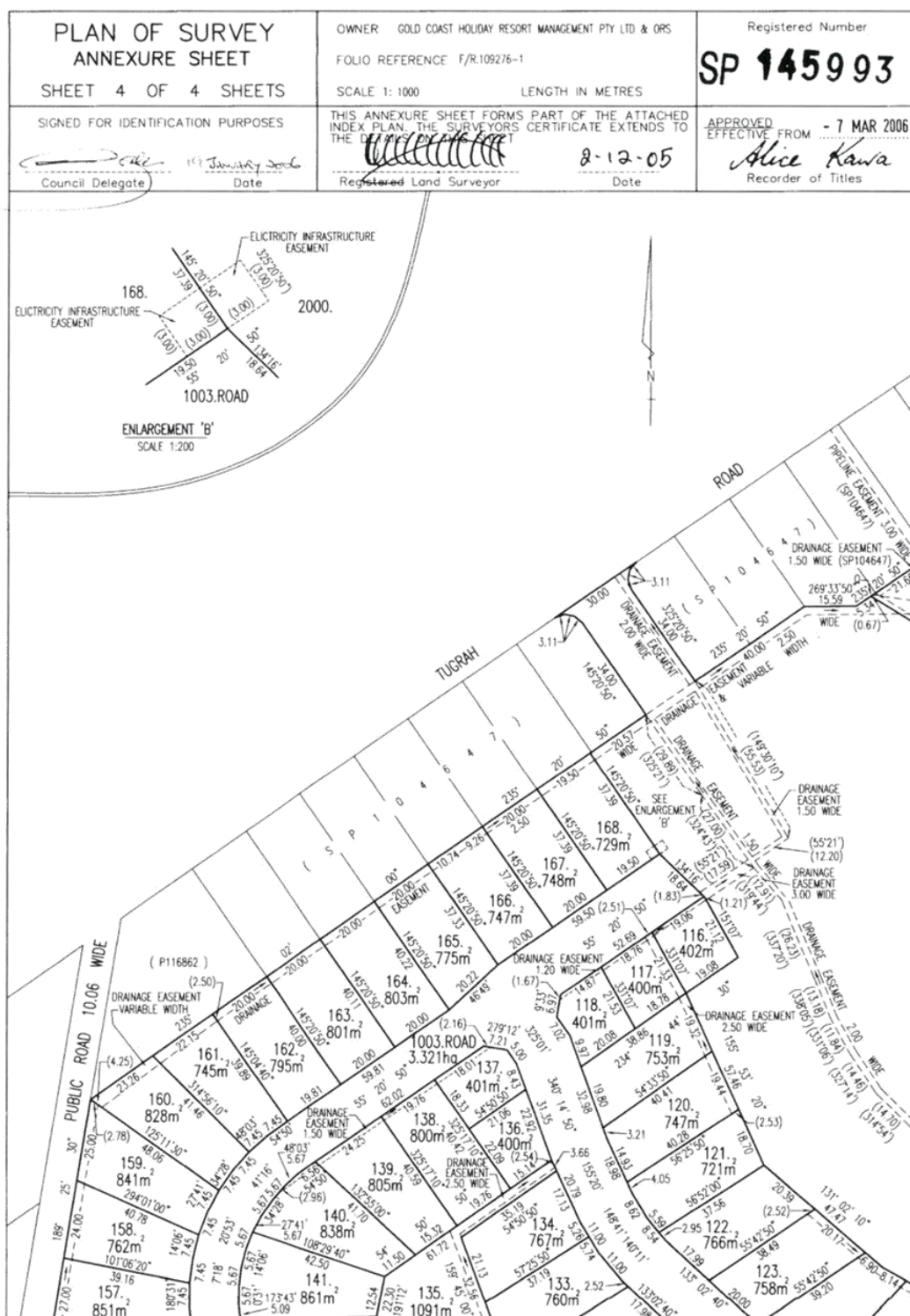


the **List**...**FOLIO PLAN**

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**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

15/08/2017 D487412



SEARCH OF TORRENS TITLE

VOLUME 145993	FOLIO 18
EDITION 7	DATE OF ISSUE 20-Jun-2014

SEARCH DATE : 15-Aug-2017

SEARCH TIME : 12.14 PM

DESCRIPTION OF LAND

City of DEVONPORT

Lot 18 on Sealed Plan 145993

Derivation : Part of Lot 5128, 142 Acres Gtd. to B.W. Champion

Prior CT 109276/1

SCHEDULE 1

M397904 TRANSFER to ELOISE JAYNE FORTH Registered
28-Nov-2012 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP145993 EASEMENTS in Schedule of Easements
SP145993 COVENANTS in Schedule of Easements
SP145993 FENCING PROVISION in Schedule of Easements
C687589 AGREEMENT pursuant to Section 71 of the Land Use
Planning and Approvals Act 1993 Registered
15-Dec-2005 at noon
D129196 MORTGAGE to Commonwealth Bank of Australia
Registered 20-Jun-2014 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

15/08/2017 P487412



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No unregistered dealings or other notations

15/08/2017 D487412

17 Leary Avenue

Basic description

Residential Home Description

- Insulated slab on ground
- Insulated suspended slab
- Rendered finish assorted colours
- Timber accents on the exterior
- Zinalume roller doors

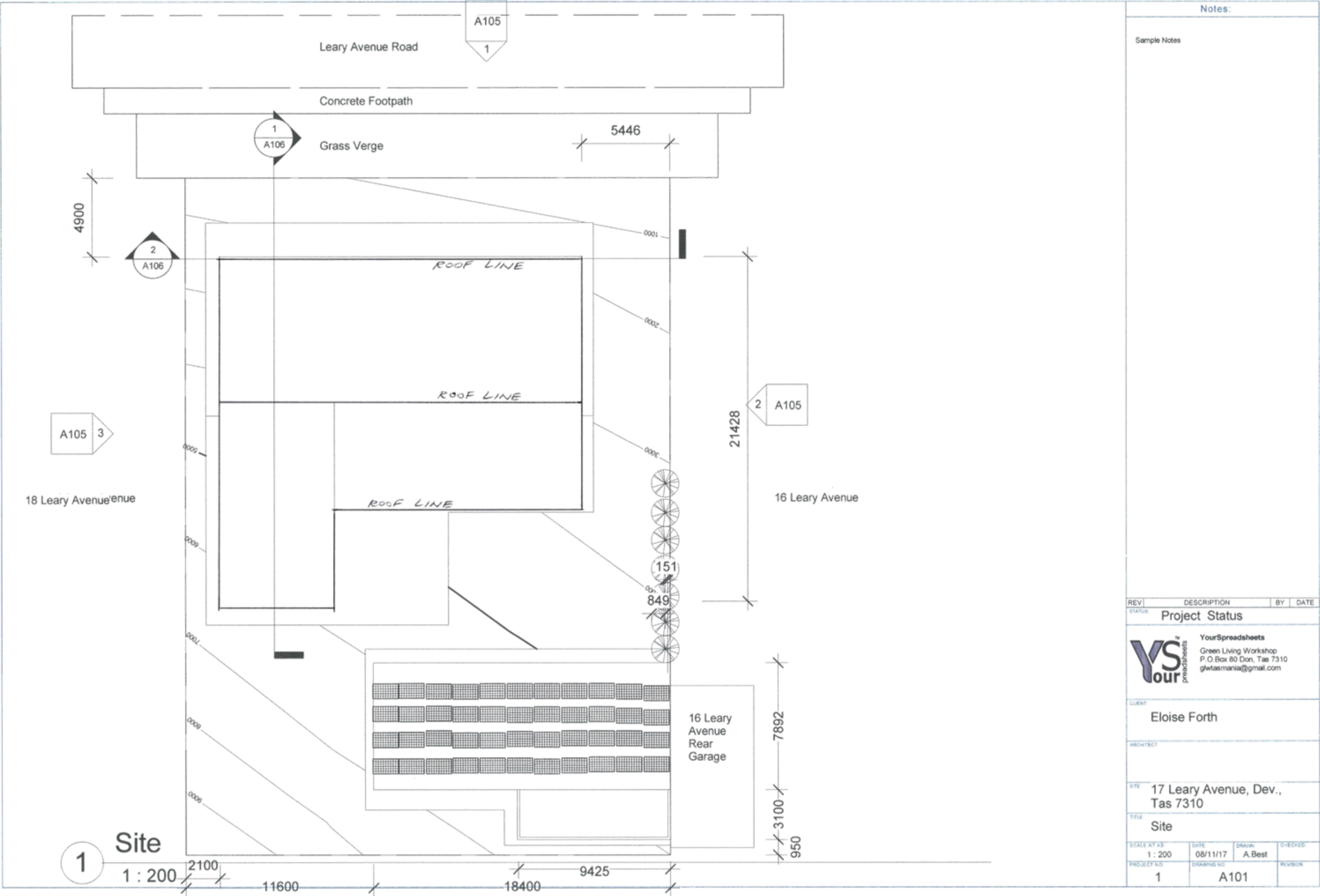
Workshop/ Gym (*home based*)

- Zinalume mono pitch roof with 600mm overhang on the northern face, roof to hold solar panels (currently ground mounted)
- The Northern side facing the street will be clad and rendered to suit the colour scheme of the house
- Facility for shower, sink & toilet will be installed in the shed

Exterior

- Pittosporum tenuifolium will be planted on the eastern boundary of the block, to block the sheds view from Mr Jefferies side, but not shadow the solar array in any way, they will be planted once all pipe work, ducts & cable are installed underground or as an alternate the plants will be provided and planted on Mr Jefferies side of the boundary fence on the eastern boundary to facilitate the blocking of the shed view from his block.

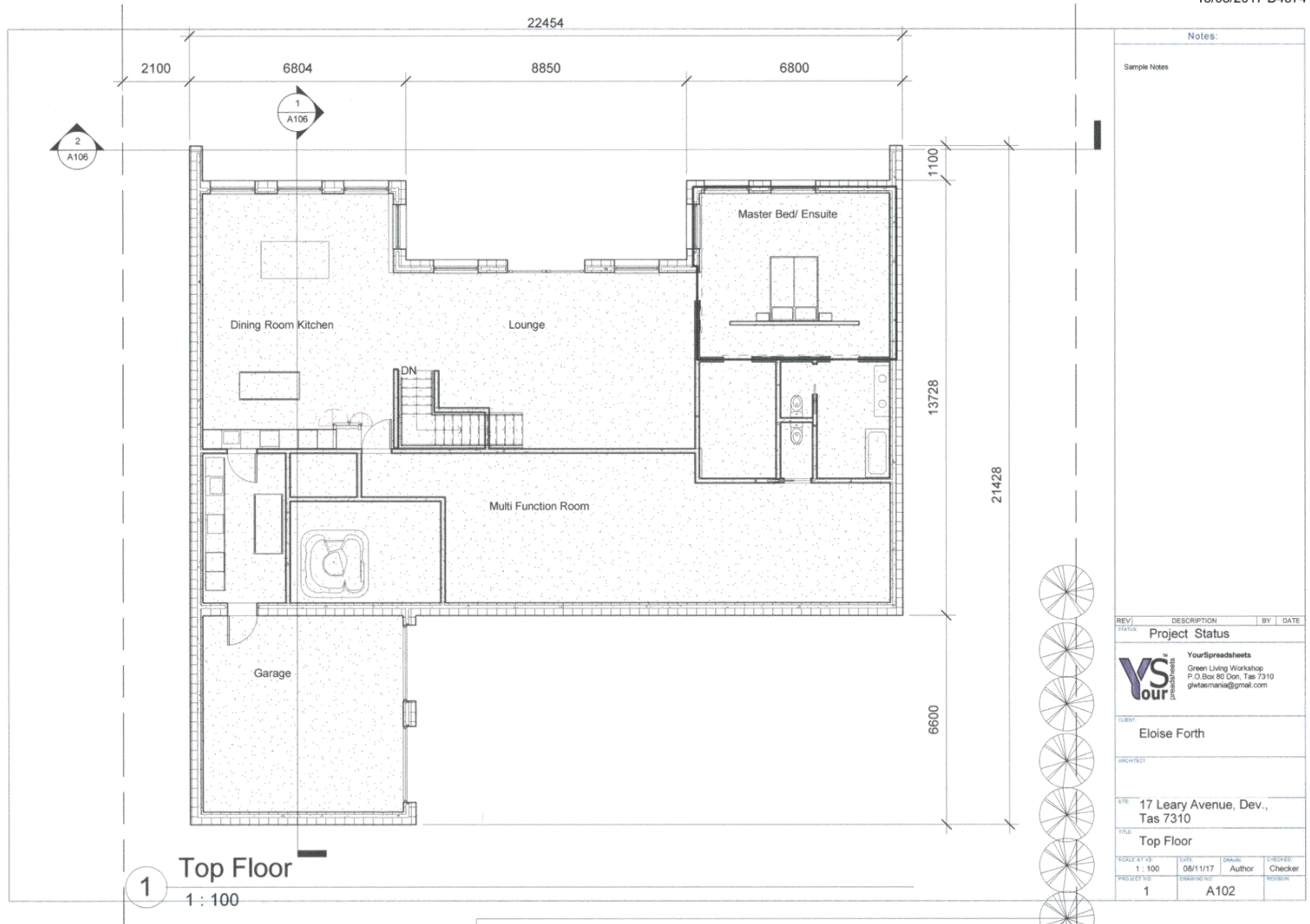
ITEM 4.1

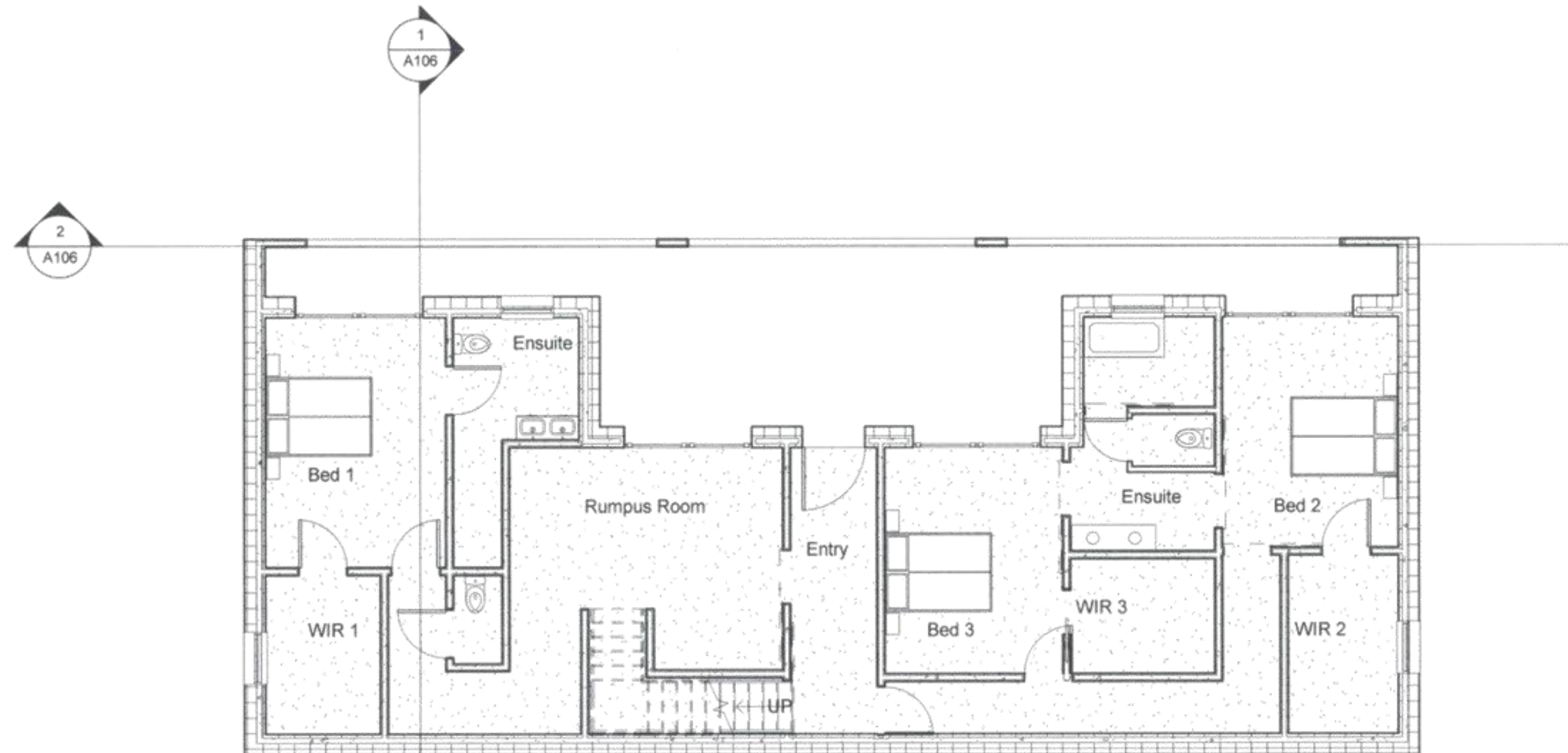




15/08/2017 D487412







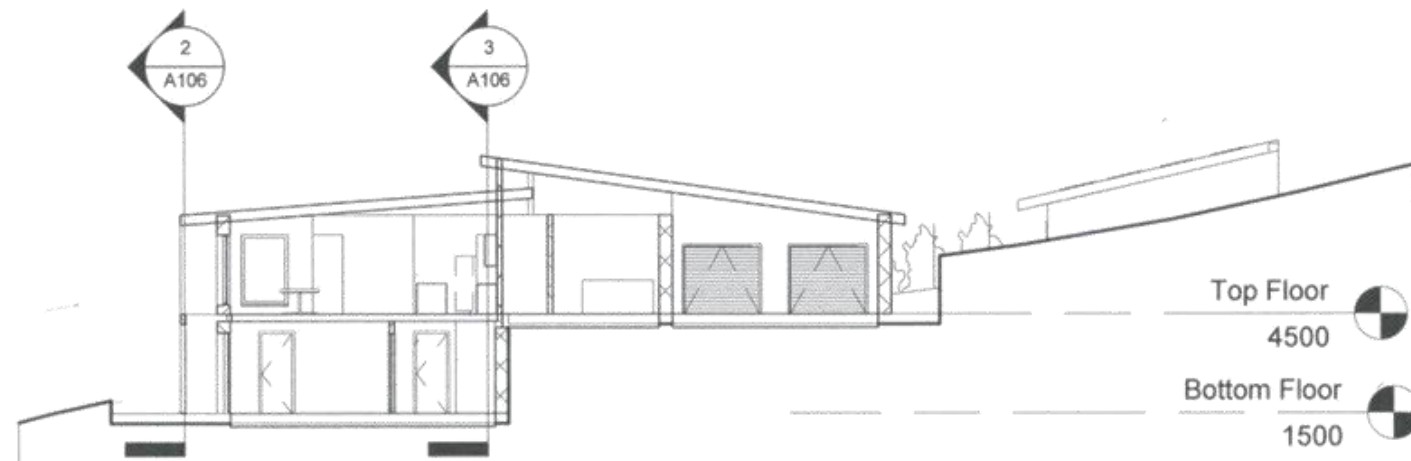
1 Bottom Floor
1 : 100

Notes:

Sample Notes

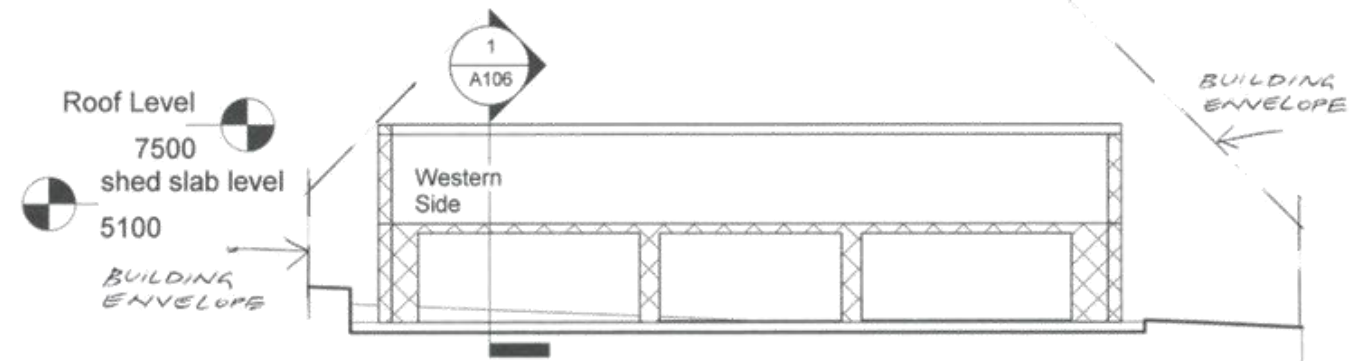
REV	DESCRIPTION	BY	DATE
Project Status			
 YourSpreadsheets Green Living Workshop P.O.Box 80 Don, Tas 7310 ghwtasmania@gmail.com			
CLIENT Eloise Forth			
ARCHITECT			
SITE 17 Leary Avenue, Dev., Tas 7310			
TITLE Bottom Floor			
SCALE AT A3: 1 : 100	DATE 08/11/17	DRAWN: Author	CHECKED: Checker
PROJECT NO: 1	DRAWING NO: A103	REVISION:	





1 North/ South Section

1 : 200



2 West/ East Section

1 : 200



3 West/East mid building

1 : 200

Notes:

Sample Notes

REV	DESCRIPTION	BY	DATE
-----	-------------	----	------

Project Status

VS
Your
your
YourSpreadsheets
Green Living Workshop
P.O.Box 80 Don, Tas 7310
glwtasmania@gmail.com

CLIENT
Eloise Forth

ARCHITECT

SITE
17 Leary Avenue, Dev.,
Tas 7310

TITLE
Sections

SCALE AT A3	DATE	DRAWN	CHECKED
1 : 200	08/14/17	Author	Checker

PROJECT NO.	DRAWING NO.	REVISION
1	A106	

From: Lyn Kent <davelynkent@yahoo.com.au>
Sent: Monday, 21 August 2017 2:21 PM
To: council
Subject: Application for Planning Permit number PA2017.0114

Good Afternoon,

We refer you to the above planning permit for 17 Leary Avenue, Stony Rise.

As we own the property situated at 32 Leary Avenue, Stony Rise, we wish to object to this planning permit.

When you purchase land, you should read and understand the performance criteria for setbacks and building envelopes.

As all the residents in upper Leary Avenue have adhered to these, I believe that the look of the street would be in jeopardy, not to mention our value of our properties.

This particular piece of land is an eyesore at present, please don't allow it to be a permanent eyesore.

Regards,

David & Lynette Kent

From: Neville Smith <neville.w.smith@bigpond.com>
Sent: Friday, 1 September 2017 10:31 AM
To: council
Subject: PA2017.0144 17 Leary Avenue Stony Rise

The General Manager,
Devonport City Council,

Dear Sir,

On behalf of my wife Lorraine and myself (Neville Smith) of 21 and 22 Leary Avenue we object to the application on the above property 17 Leary Avenue for the following reasons.

1. The setback of the house is shown at 4900mm on the Northern boundary which is far too close to the street compared to all the other residences in Leary Avenue which have all complied with the recommended setback or very close to that requirement.
2. We note that the plans show an area in the shed marked as workshop/gym and then in hand writing "home based". We are aware that Eloise Forth currently operates her own gym facility and are concerned that this will be operated from 17 Leary Avenue in the future. Our concerns are businesses being operated from a residential area and the cars being parked in the street. We are already experiencing problems in this street with builders vehicles and it makes it very tight for passing, we would not want multiple cars continually being parked in the street and constantly coming and going.
3. The shed is already constructed and as per our previous objection dated 5th April 2017 was constructed without approval. We also note that Mr Best said at one of the council meetings that if this shed that is currently constructed was approved he would not make it any bigger than is currently on site ,but the plans show an addition to the rear (south west) of 28 sq mtrs, noted as a store, but there are no sections of the existing shed or this addition and no explanation to construction procedure ,materials or type of finish.

Yours truly

Neville and Lorraine Smith.

TJ & CM Jeffrey
16 Leary Ave
DEVONPORT 7310
Mob: 0417 344369 Terry
Mob: 0408 580507 Colleen
colleenjeffrey3@bigpond.com

4 September 2017

General Manager
Devonport City Council

Email: council@devonport.tas.gov.au

Dear Sir,

**Re: PA2017.0114 – Application for Planning Permit – 17 Leary Ave,
Stony Rise Tas 7310**

We hereby make our representation relating to the above application:

- The outbuilding featured within the new application is bigger than is what exists as an extension store has been added at the back. We consented to a new application being made, that the shed not be made any bigger.
- We have concerns as to how Mr Best and Ms Forth will clad and render the northern side of the out building as it stands at moment built from Zincalume to eliminate the "visual impact caused by the scale, bulk or proportions when viewed from adjoining lands".
- The proposed house plan set back is 4.9 meters from the front boundary which is now within the accepted meterage but as the other homes in the street are 7.5 meters or there about's thus this building will cause another visual impact from adjoining lands in the whole street. We urge Planning to give serious consideration to this point.
- The height of the outbuilding is still a concern to us; we would like the height to be lowered by a meter to assist with visual impact from adjoining lands as, --
- We are not in agreement with Mr Best and Ms Forth planting Pittosporum Tenuifolium trees on the western boundary of 17 Leary Ave as a means to eliminate our concerns of the Visual Impact caused by the scale, bulk of the outbuilding. These trees will create a hazard to us – hanging over our boundary fence, creates a home for the possums in the area which will result in possums leaving their deposits on our fence top and on rock pebbles in our garden on our side of the boundary fence. We also query the width available to plant trees after allowing for the driveway proposed for that side of their block. We would therefore ask that Mr Best and Ms Forth decide on another option to block the outbuilding from our view on their western boundary.
- As Mr Best and Ms Forth have indicated the outbuilding will be used for a home based Gym we are concerned about parking in the street when their family and or friends are invited to use the Gym. No off street parking can be seen on the proposed plans. Extra parking on both sides of the road causes problems for traffic coming and going.
- We ask that Council put a time frame on the completion of the outbuilding, house, the eastern boundary visual eliminated concerns and grounds Mr Best and Ms Forth are proposing at 17 Leary Ave., as the state of the block has been this way for well over two years resulting in dust and weeds spreading to the adjoining blocks as well as an unpleasant "eye saw" for one of the Cities newer subdivisions.

Yours sincerely
Terry and Colleen Jeffrey

4.2 AM2017.02 & PA2017.0101 REZONING FROM PORT AND MARINE ZONE TO LOCAL BUSINESS ZONE TO ALLOW THE DEVELOPMENT OF A RETAIL COMPLEX - 2-12 MURRAY STREET, EAST DEVONPORT

File: 34397 D492437

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 2.1.1 Apply and review the Devonport Interim Planning Scheme as required, to ensure it delivers local community character and appropriate land use

SUMMARY

The purpose of this report is to enable Council's Planning Authority Committee to determine whether firstly, to certify planning scheme amendment AM2017.02 to rezone land from Port and Marine Zone to Local Business Zone and secondly, grant a planning permit for development of land, PA2017.0101, in regard to a combined application made under Section 43A of the *Land Use Planning and Approvals Act 1993* (the Act).

The original version of this report to certify the amendment was submitted to Council on 28 August 2017.

Since this time, two matters have arisen which require the Planning Authority's approval before the Tasmanian Planning Commission (TPC) can further the process.

Firstly, due to an amended set of drawings the date reference in the recommendation was incorrect and needs to reflect the date of the revised plans being 22 August 2017.

Secondly and acting on advice from the TPC it has been suggested to revise the legislative references to better describe the amendment that has been certified and the permit conditions associated with the amendment.

These changes have been made to the recommendation. There has been no change to the contents of the report or other parts of the recommendation.

To ensure due process the application will be advertised again extending the public exhibition period to 18 October 2017. Any representations received will now be submitted through a Section 39 report to Council.

BACKGROUND

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i> (the Scheme)
Applicant:	6ty° Pty Ltd
Owner:	Devonport City Council
Proposal:	Rezoning from Port and Marine Zone to Local Business Zone to Allow the Development of a Retail Complex
Existing Use:	Vacant Land
Existing zone:	Port and Marine
Decision Due:	30/08/2017

SITE DESCRIPTION

The subject site is located on the southern side of Murray Street, East Devonport. It comprises six titles which were developed originally for residential purposes. Demolition of the last two dwellings at 4 & 10 Murray Street was approved in late 2011.

A compilation of the six sites results in a general rectangular shape with an east-west axis. The construction of Norton Way approximately 16 years ago also provided an alternative road frontage to the lots however nothing on any of the sites capitalised on this arrangement.

The site is clearly observed when exiting the ferry terminal quarantine area onto Murray Street and is currently a managed grassed area. The land further west is the East Devonport port area containing the Ferry Terminal and berthing areas. The land immediately west contains two commercial activities and the land immediately east adjacent to the existing business zone is a Telstra communication exchange building.

Figure 1 provides further descriptive details of the site which are complemented by similar details prepared by the applicant.



Figure 1 – Location Plan, 2 – 12 Murray Street, East Devonport

DISCUSSION

In general terms the development of the land for retail uses cannot occur unless an appropriate zone is applied to the land. Section 43A of the Act provides opportunity for a person to request a Planning Authority to also consider an application for a permit which would not be allowed if the planning scheme was not amended as requested.

Amendment

Figure 2 is a reproduction from the application that provides an overview of the current zones with the subject site outlined in a contrasting colour for identification purposes. It is proposed that this strip be coloured to indicate an extension to the Local Business zone that currently extends along Murray Street and Wright Street.



Figure 2 – Current zone overlay, 6tyo 43A Application July 2017

A comprehensive submission has been prepared by the applicant. This has been prepared taking into account the requirements of the Act, relevant strategic documents and the relevant provisions of the Scheme insofar as the use and development standards which apply. The content has been examined and nothing of any consequence has been identified that might present a dissimilar view.

The application includes a Traffic Impact Assessment which has been examined by the Council Engineering Department. Minor matters identified can be included as conditions in the recommended permit.

It is prudent to draw attention to the applicant's commentary under Section 2.1 of their submission. This discusses the inappropriateness of the Port and Marine Zone. It is also noted that the subject titles and many others along the waterfront and used for port and shipping purposes were originally zoned 'Transport and Warehouse' under the 1984 Devonport and Environs Planning Scheme. However, an amendment to create a 'Port' zone was made with final approval by the Resource Planning and Development Commission in February 2003.

The genesis of this amendment occurred in 2002 when the Port of Devonport Corporation (PDC) and the Devonport Council collaborated to initiate an amendment. At the time the PDC owned several titles adjacent the waterfront including those subject to this application and submitted that the Transport and Warehouse zone did not provide clear guidelines on what they could or couldn't do within the port area. The Council similarly contended that there were inadequate development controls on the Port's operation under the existing Transport and Warehouse zone to address maximum building height, lighting, car parking, call centre activities and tourist facilities.

Figure 3 provides an overview of the site in March 2004 before the current existing arrangement had commenced for vehicular and pedestrian access and egress from the ferry terminal.



Figure 3 – Site overview, Photo source DCC Archive March 2004

In January 2006 the strategic direction also changed when the State Government merged Tasmania's four ports into one entity called the Tasmanian Port Corporation Pty Ltd known as TasPorts. By this time the reconfiguration of the vehicular access and queuing area prior to embarkation was complete. Figure 4 captures the location in March 2006 which has remained virtually unchanged since.



Figure 4 – Location overview, Photo source DCC Archive March 2006

The subject lots were purchased by Devonport Council from TasPorts in June 2009 and in 2013 the Council resolved to begin the necessary process to establish a Regional Visitor Information Centre in collaboration with the Cradle Coast Authority. This project, which would also have required a change in zoning did not proceed.

Historically the site has been subject to considerable investigation for future use and development but nothing has advanced to an application. This combined application for rezoning and development provides that opportunity and it seems reasonable based on the applicant's submission that a zone change is in order to allow that to happen.

Planning Permit Considerations

Associated with this proposed zone change is the development component to allow a supermarket and two smaller general retail outlets. The applicant has submitted an analysis of the development against the Local Business Zone of the Scheme. This summary includes commentary on the Zone Purpose Statements, Local Area Objectives and Desired Future Character Statements.

Additional comments to supplement those submitted by the applicant are conveyed as follows.

20.3.1 Discretionary permit use

The applicant has provided advice and it is agreed that the supermarket is a permitted use in the Local Business Zone. The uses of the two smaller tenancies are unknown at this stage which creates the position of those uses being classed as discretionary General Retail and hire activities if they do not fit within the ambit of the Permitted use qualifications. It seems reasonable to include the likelihood of one or both being discretionary in the assessment of this application. It should be noted that the actual occupant does not have to be known to form a view on whether the Performance Criteria (PC) under this clause can be satisfied.

The applicant has addressed the local area objectives and desired future character statements on pages 43-45 of their submission. The remaining PC are statements based on whether the general retail and hire use will be required to service the requirements of the local resident and visitor population.

Comments: This criterion virtually includes any retail activity. For example, a shop selling bushwalking apparel will service both local and visitor needs and would be deemed to satisfy the PC.

Figure 5 provides an overview of the proposed site that indicates building scale, vehicle parking and access arrangements.



Figure 5 – Proposed site plan retail development 6ty° Project 13.159

The remaining criteria mandates any general retail and hire use to have minimum potential to service a population beyond the local community, minimum potential to have immediate incremental and cumulative adverse effect on the regional pattern of retail and service provision and have minimum potential to displace retail, business and professional use.

Comments: This PC has the objective of not allowing an activity to be located in this zone that is best suited in another zone due to its likely bulk and scale and inappropriate location in a local area. It also ensures that the local shopping area does not lose its identity because of an improper transition of some retail and business activity. For example, any application for a large Homemaker type activity would not be suitable in Murray Street if the application required demolition of smaller specialty shops that had served the community for many years.

In this proposal, the buildings are not of a scale that causes any adverse effect to the existing retail hierarchy at East Devonport.

The remaining development standards for the zone have been addressed in the application and no further comments are made.

The Scheme also includes 11 Codes that may be applicable. Discretions have been identified in the Change in Ground Level Code (E4), the Sign Code (E7) and the Traffic Generating Use and Parking Code (E9).

The applicant has provided a satisfactory submission to satisfy the PC of Codes E4 and E7 and these are accepted without any further discussion. The submission in respect to Code E9 requires some additional commentary to ensure that the Planning Authority are aware that the compliant number of vehicle spaces (58) differs considerably to that to be provided by the developer (40).

The application includes a comprehensive assessment of how either the Acceptable Solutions and Performance Criteria can be satisfied which is supplemented by a Traffic Impact Assessment. From a practical perspective, it is in the developer's best interest to provide a satisfactory level of parking for customers and if there is justification for a lesser quantum based on a business model it could be deemed that the numbers provided are reasonable.

However, the Planning Authority has to consider the broad approach and determine whether the reduced number of spaces (18) may cause displacement of parking spaces elsewhere in the shopping locality if supermarket customers find the car park full and park in the existing on street spaces provided nearby.

The consideration of reduced car parking numbers onsite is discussed in detail within the Traffic Impact Assessment (TIA) by Midson Traffic Pty Ltd that is annexed to the application. The TIA is prefaced with the comment that land use developments generated traffic movements and without a clear understanding of the type of traffic movement, scale, timing, duration and location there is a risk that traffic movements may contribute to safety issues and unforeseen congestion or other problems.

The author's conclusion finds that the traffic generation of the proposed development is likely to be 2,082 vehicles per day and 215 trips per hour during peak periods. It further submits that the relatively small shortfall of 18 spaces is considered acceptable in light of shared parking principles and the large amount of time restricted on-street parking in the surrounding road network.

As a footnote it is considered prudent for the Planning Authority to have an understanding of how the compliant car parking numbers are calculated. Table E9.1 of the Traffic

Generating Use and Parking Code requires 1 space per every 30m² of gross floor area. Gross floor area means *'the total floor area of the building measured from the outside of the external walls or the centre of a common wall'*.

Although the factors allow for a reasonably easy calculation of required numbers there is some disparity due to the indifferent floor areas from back of house to front of house for different retail activities. Having a unilateral factor for all shops without any proven ratios lacks any science and can create an unreasonable discretionary permit pathway.

It becomes important therefore that the submission of a Traffic Impact Assessment by a suitably qualified and experienced professional can assist greatly in determining the merits of whether the relevant Performance Criteria are satisfied.

STATUTORY REQUIREMENTS

The application and the assessment of the application must comply with the requirements of the *Land Use Planning and Approvals Act 1993* and the provisions of the *Devonport Interim Planning Scheme 2013*.

COMMUNITY ENGAGEMENT

If Council decides to certify the amendment and consent to the development the details of the zoning amendment, draft permit conditions, the application and the decision of the Planning Authority are to be exhibited for 28 days.

Following this public exhibition period, a report will be prepared for the Planning Authority discussing the merits on any representation received during this time. This report and any endorsed recommendations are then forwarded to the Tasmanian Planning Commission (TPC). In normal circumstances, the TPC would conduct a Hearing and invite persons who made a representation, the applicant and the Planning Authority to assist them with their final determination.

FINANCIAL IMPLICATIONS

No financial implications are predicted unless an appeal is made to the Tribunal against the decision and legal counsel is required to defend the Planning Authority decision.

RISK IMPLICATIONS

No risks to Council have been identified during the assessment of the application.

CONCLUSION

The application has been referred to internal and external parties (TasWater) with an interest in the development. Responses received have been formed into conditions and notes as appropriate.

The applicant has submitted in conclusion that the land located at 2-12 Murray Street, East Devonport be rezoned from Port and Marine to Local Business in order to facilitate a new purpose-built retail complex within the East Devonport Village.

It has also been submitted that the application has demonstrated that the proposed rezoning is consistent with the:

Common and local provisions of the Scheme;

Objectives set out in Schedule 1 of the Act;

State Policies;

Cradle Coast Regional Land Use Strategy; and

Gas Pipelines Act 2000.

In addition it is submitted by the applicant that the proposed retail complex development has demonstrated compliance with the applicable standards of the Scheme if the amendment were in place. On this basis it is considered that the combined permit and amendment to the Scheme can be supported.

ATTACHMENTS

- [1.](#) Proposed Zone Map Change
- [2.](#) Planning Submission - 2-12 Murray Street, East Devonport - PA2017.0101
- [3.](#) Development Application - Retail complex - 2-12 Murray Street, East Devonport
- [4.](#) Traffic Impact Assessment

RECOMMENDATION

That the Planning Authority under Section 43A of the *Land Use Planning and Approvals Act 1993*:

- A. Agree to certify amendment AM2017.02 under Section 35 to rezone land from Port and Marine to Local Business as meeting the requirements specified in Section 32; and
- B. Determine that permit application PA2017.0101 meets the requirements under Section 43C for the development of a Retail Complex and consolidation of land identified as 2 – 12 Murray Street, East Devonport subject to the following conditions:
 - 1. Unless requiring modification by subsequent conditions on this permit the use and development is to proceed and be undertaken generally in accordance with the submitted plans referenced as Project No 13.159 issue dated 22 August 2017 by 6ty° Pty Ltd and the Traffic Impact Assessment by Midson Traffic Pty Ltd dated May 2017, copies of which are attached and endorsed as documents forming part of this Planning Permit.
 - 2. The developer is to comply with the conditions contained in the 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.
 - 3. The developer is to take all reasonable steps during demolition and construction to prevent environmental effects occurring that might result in a nuisance. This includes no immediate off-site storage of associated building equipment and materials on public land and the pollutant effects of noise and water as well as air pollution from the result of any burning of waste.
 - 4. The development will be required to limit stormwater discharge to that equivalent to 50% of the development site being impervious. Calculations and design drawings will need to be provided and approved to satisfy this before work commences. The on-site detention design can include surface storage in the carpark area.

5. The developer is to install a single stormwater service connection only servicing the proposed development. Any redundant stormwater service connections are to be located and capped off in accordance with the industry standard.
6. The development is to be located clear of the existing 'Gateway' tree, surround and road markings in Murray Street. In this regard the proposed entrance should be located slightly to the west.
7. The developer is to provide details on their plans of the suitable treatments for the relocation and reinstatement of the existing streetscape features including exposed aggregate concrete, street trees, surrounds, street light standards, stamped concrete footpath panels and road markings along the Murray Street frontage.
8. The developer is to design a suitable pit grate and surround to replace the existing stormwater side entry pit at the heavy vehicle entrance off Norton Way.

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 and provide the necessary building and plumbing approvals and notifications in accordance with the *Building Act 2016* prior to commencing building or plumbing work.

The developer is to obtain approval from Council's Environmental Health Department before any works commence on the food preparation/handling areas. As part of this a building surveyor is to submit a Form 42 and associated paperwork, details of the nature of the foods intended to be prepared, types of manufacturing and preparation intended to be undertaken on the premises, and any relevant drawings, specifications and documents that relate to that work.

There are no disabled parking spaces indicated in the proposed parking layout. This will need to be included.

It is not clear that the proposed heavy vehicle/RV exit onto Norton Way is wide enough for the required left-hand turn for the intended vehicle sizes. Consideration should be given to widening or aligning the access to suit the required turning paths.

The one-way connection between Murray Street and Norton Way is not on a road reserve and cannot be relied on.

The proposed Light/Heavy vehicle exit onto Murray Street appears to adversely impact the existing traffic management treatment enabling access into the Ferry terminal. The submitted TIA does not address this feature and it should be noted due to the existing use of this facility this traffic management feature is not relocatable without consent between the Road Authority and TasPorts.

Author:	Shane Warren	Endorsed By:	Matthew Atkins
Position:	Planning Coordinator	Position:	Deputy General Manager



Measured form and function **6ty°**

6ty Pty Ltd
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Combined Rezoning and Retail Complex 2-12 Murray Street East Devonport



Planning Submission for a Section 43A Application





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Appendix A

Title Information

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Executive Summary

A request is made seeking an amendment to the Devonport Interim Planning Scheme 2013 (the Scheme) pursuant to Section 43A of the *Land Use Planning and Approvals Act 1993* (the Act). The proposed amendment seeks to rezone land located at 2-12 Murray Street, East Devonport from Port and Marine to Local Business. In addition, the application is seeking approval for a retail complex which would not be allowed if the Scheme is not amended as requested.

This planning submission forms the basis of the application and has been prepared taking into account the requirements of the Act, relevant strategic documents and relevant provisions of the Scheme. It is submitted that the application for a combined amendment to the Scheme and permit is either consistent, or directly complies with all applicable sections of the Act and Scheme as outlined within the ensuing planning submission.

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Note

References in this document to the provisions of the *Land Use Planning and Approvals Act 1993* are references to the former provisions of the Act as defined in Section 2 of Schedule 6 – Savings and Transitional Provisions of the Act.



1.0 INTRODUCTION

It is proposed to rezone land located at 2-12 Murray Street, East Devonport from Port and Marine to Local business in order to facilitate a new purpose-built retail complex which would not be allowed if the Scheme is not amended as requested.

The planning submission has been prepared to:

- provide the rationale for the draft amendment;
- provide a full description of the proposed use and development;
- detail the site and the surrounding uses;
- demonstrate that the application can further the objectives set out in Schedule 1 of the Act;
- determine that the proposal is in accordance with the State Policies;
- establish that the proposal is in accordance with the Cradle Coast Regional Land Use Strategy 2010-2030;
- demonstrate that the proposal is outside of the area regulated by the *Gas Pipelines Act 2000*;
- make evident that this proposal does not conflict with uses on adjoining land; and
- establish that the subdivision complies with applicable provisions of the relevant zone, codes and specific area plan of the Scheme.

1.1 Application Overview

Element	Details
Address	2-12 Murray Street, East Devonport
CT	2 - 85308/1 4 - 23736/4 6 - 101497/1 8 - 29167/1 10 - 124378/1 12 - 27817/1
PID	2 - 6368623 4 - 6368615 6 - 6368607 8 - 6368594 10 - 6368586 12 - 6368578
Proposal	Combined permit and amendment for the purposes of rezoning the land from Port and Marine to Local Business and undertaking a retail complex development.
Planning Instrument	Devonport Interim Planning Scheme 2013

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Legislative Instrument	<i>Land Use Planning and Approvals Act 1993</i>
Current Zone	<i>D31.0 Port and Marine</i>
Proposed Zone	<i>D20.0 Local Business</i>
Codes	<ul style="list-style-type: none"> • <i>E3.0 - Clearing and Conversion of Vegetation Code;</i> • <i>E4.0 - Change in Ground Level Code;</i> • <i>E7.0 - Sign Code;</i> • <i>E9.0 - Traffic Generating Use and Parking Code.</i>
Specific Area Plans	<i>No specific area plans apply to the land</i>

1.2 Requirements of the Act

The Act sets out specific matters that a draft amendment is required to demonstrate compliance and consistency with in order for a planning authority to be satisfied to initiate the draft amendment.

The following table outlines the key sections of the Act and the requirements within each section that the draft amendment needs to address.

Section	Requirement
20(1)	<p>Although this section is not explicitly part of the draft amendment process as directed by the Act, it is considered appropriate to assess the proposed draft amendment against this section. Specifically, this section requires a planning scheme to:</p> <ul style="list-style-type: none"> a) seek to further the objectives in Schedule 1 of the Act; b) prepare the scheme in accordance with State Policies made under section 11 of the <i>State Policies and Projects Act 1993</i>; and c) have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the <i>Local Government Act 1993</i> as adopted by the council at the time the planning scheme is prepared; and d) have regard to the safety requirements set out in the standards prescribed under the <i>Gas Pipelines Act 2000</i>.
32(1)(e)	An amendment to a planning scheme must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area.
32(1)(ea)	<p>An amendment to a planning scheme must not conflict with the requirements of section 30O of the Act which specifies the following:</p> <ul style="list-style-type: none"> – 30O (1): an amendment may only be made to a local provision of a planning scheme, or to insert or remove a local planning provision from a planning scheme where it is consistent with the regional land use strategy for the area; – 30O (2): an amendment to a planning scheme may only be made if:

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	<ul style="list-style-type: none"> a) the amendment would not be directly or indirectly inconsistent with common provisions or an overriding local provision; b) the amendment does not revoke or amend an overriding local provision; and c) the amendment would not create a conflicting local provision. <ul style="list-style-type: none"> – 300 (3): an amendment may only be made to a local provision if: <ul style="list-style-type: none"> a) the amendment is to the effect that a common provision is not to apply to an area of land; b) a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land. – 300 (4): an amendment may not be made to a common provision of a planning scheme unless the common provision, as so amended, would not be inconsistent with a planning directive that requires or permits the provision to be contained in the planning scheme; and – 300 (5): an amendment to a planning scheme may be made if the amendment consists of: <ul style="list-style-type: none"> a) taking an optional common provision out of the scheme; or b) taking the provision out of the scheme and replacing it with another optional common provision.
32(1)(f)	An amendment to a planning scheme must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.
43(c)	<p>An amendment to a planning scheme must:</p> <ul style="list-style-type: none"> a) seek to further the objectives set out in Schedule 1 of the Act; and b) must take into consideration such of the prescribed matters as are relevant to the use or development the subject of the application.

1.3 Subject site and surrounding area

The subject site comprises 6 parcels of land of which the title details are outlined within section 1.1. Together, the land parcels have an area of approximately 4,116m² and form a long rectangular shape (refer to Image 1).



Image 1 - Aerial view of the site.

The subject site is relatively level with a gradient of approximately 1.6% (~1°) downhill to the south-west. The land is currently vacant, under managed grass cover with a copse of trees located in the south-east corner and centrally along the western boundary.

The subject site is located within the interface between the East Devonport Village to the east and Port of Devonport to the west. The adjoining land to the east comprises the access strip to an internal lot which is the location of the East Devonport Telstra Exchange station. The adjoining land to the west comprises two small titles containing existing buildings in which two hire car companies operate from. The subject site adjoins Murray Street to the north and Norton Way to the south.

1.4 Zoning and Established Character of Surrounding Area

The subject site is currently zoned Port and Marine in accordance with the Scheme and forms part of the larger Port and Marine Zone which encompasses the entirety of the Mersey River north of the Bass Highway bridge inclusive of the water body and terrestrial Tasmanian Ports Corporation (Tas Ports) land located on the eastern and western banks (refer to Image 2). The Tas Ports land to the north of Murray Street and to the South and West of Norton Way primarily comprise large land parcels which are utilised for shipping logistics and the Spirit of Tasmania terminal. Specifically, the land to the north of Murray Street, opposite the subject site, is the location of the embarkation and disembarkation point for the Spirit of Tasmania.

The East Devonport Village is zoned Local Business and comprises a mixture of uses including residential, retail, food services and business and professional services. The land to the north and east beyond the East Devonport Village and Tas Ports land is zoned General Residential and primarily comprises established residential use and development. The land to the southeast of the East Devonport Village is zoned Light Industrial and is largely established with industrial style buildings with some existing residential dwellings located to the north of the industrial precinct.

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Image 2 – Zoning composition of subject site and surrounding land.

1.5 Road Access and Services

Two existing vehicular crossovers are located at the eastern and western ends of the Murray Street frontage and there are no vehicular crossovers located along the Norton Way frontage. It is proposed to construct two new vehicular crossovers along the Murray Street frontage with the eastern most access providing entry only and the western access providing exit only. The proposed layout has been designed to promote small vehicle circulation through the car parking area and back towards the East Devonport Village. The two existing crossovers will be reinstated to Council requirements.

Two new vehicle crossovers are proposed to be constructed along the Norton Way frontage. A large crossover will be located centrally which is proposed for heavy vehicle entrance and exist as well as light vehicle entrance via a left hand turn only travelling east along Norton Way. A second vehicle crossover is proposed to be located off the south-eastern corner of the subject site which will provide exit only (via a left-hand turn onto Norton Way) for larger vehicles such as campervans and caravans. The accesses and car parking layout has been designed to limit light vehicles entering onto Norton Way. A traffic impact assessment (TIA) has been prepared by Midson Traffic Pty Ltd for the proposed retail complex. The TIA endorses the proposed configuration and layout of vehicle access and circulation areas. A copy of the TIA is contained within **Appendix C**.

The subject site is located within an established area of East Devonport which is serviced by water, sewage and stormwater infrastructure.

1.6 Environmental Hazards and Constraints

The following section provides an investigation into potential environmental hazards and constraints of the subject site.



1.6.1 Landslide Hazard

The subject site is not identified as being subject to landslide hazard as depicted by the overlay maps within the Scheme. Accordingly, the subject site is free from landslide hazards.

1.6.2 Bushfire Hazard

The subject site is not located within a bushfire prone area as defined by the Scheme. Accordingly, the subject site is free from direct bushfire hazards.

1.6.3 Flora and Fauna

The subject site is located within an established industrial/retail area of East Devonport and has been highly modified overtime. The land is clear of significant vegetation, with the exception of the copse of trees located within the south-eastern corner which are not identified as threatened species. The lack of vegetation also suggests that the habitat value of the land for fauna species is low. Accordingly, the subject site is free from significant flora and fauna values.

1.6.4 Scenic and Landscape Value

The subject site is located within the interface between the Devonport port to the west and the East Devonport Village. The surrounding land to the north, west and south has been highly modified overtime for the purposes of shipping logistics and associated activities. In addition, the subject site is low lying and is not prominent within the landscape. Overall, the subject site is not considered to contribute to any prominent scenic or landscape values to the surrounding area.

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2 Draft Amendment - Rezoning

The following section provides an overview of the proposed rezoning and an assessment against the key requirements of the Act.

2.1 Rezone Land from Port and Marine to Local Business

The application is seeking to rezone the subject site from Port and Marine to Local Business. The primary purpose of the rezoning is to facilitate a purpose-built retail complex within a contiguous area of the East Devonport Village.

Overall, the Port and Marine zoning of the subject site is considered to be somewhat of an anomaly on the following grounds:

- several of the individual titles that comprise the subject site have previously contained residential dwellings (refer to Images 3 and 4);



Image 3 – in situ residential dwelling previously located at 4 Murray Street (Source: Google Street View 2010).



Image 4 – in situ residential dwelling previously located at 10 Murray Street (source: Google Street View 2010)

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- the subject site is not located within a proclaimed wharf area within the meaning of Section 12 of the Act. Furthermore, the subject site does not share a common boundary with the Devonport port land and associated titles;
- the subject site is currently vacant and is not utilised in conjunction with the operation of the Devonport port;
- the subject site is largely fragmented from the Devonport port being isolated by the location of Murray Street and Norton Way. Subsequently, the opportunity for the subject site to be incorporated into the port in a contiguous manner is severely restricted;
- overall, the subject site has minimal correlation and connectivity with the function and operation of the Devonport port.

It is contended that the Port and Marine zone significantly restricts the use and developability of the subject site by only allowing certain uses to occur within the zone where there is an association with port and shipping or similar maritime or nautical endeavours as prescribed by Table 31.2 of the Scheme (refer to Table 1).

Table 1 – Port and Marine Use Zone Table

No Permit Required	
Use Class	Qualification
Natural and cultural values managements	If care, conservation, rehabilitation, or protection against degradation, but must not include a building or development area for information or display of items or for any other use.
Port and Shipping	
Permitted	
Use Class	Qualification
Business and professional services	If for marine, port, shipping and transport purposes.
Community meeting and entertainment	If in support of crew and passengers.
Educational and occasional care	If training in marine, port and associated transport related skills.
Emergency services	If facilities for – (a) emergencies in the port and shipping area; or (b) marine search and rescue.
Equipment and machinery sales and hire	If marine, shipping and associated transport equipment.
Food services	If to cater for crews and passengers of shipping and associated transport.
General retail and hire	If shipping and associated transport related goods.
Manufacturing and processing	If – (a) boat or ship building; (b) maritime and shipping equipment; or (c) major maintenance or repair.
Pleasure boat facilities	If – (a) boat launch and recovery ramp;

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	(b) marina; (c) on-shore boat storage with a gross floor area of not more than 500m ² .
Research and development	If for port and shipping and associated transport purposes.
Service industry	If routine maintenance, servicing and repair of boats, marine and shipping and associated transport equipment.
Storage	If – (a) freight prior to loading onto or subsequent to unloading from a ship, and includes a liquid fuel depot; or (b) depot for storage of plant, machinery and other equipment required by a port or marine activity, including by search and rescue, tugs, marine pilot, and off-shore resource recovery.
Transport and distribution	If – (a) distribution of freight and passengers onto or from a ship; or (b) parking or servicing of vehicles used in connection with port and shipping purposes; or (c) marina for permanent boat storage, including facilities for construction, maintenance, storage, sale or hire of boats; for fuelling, sewage pump-out and other services; for launching or recovery of boats, including a slip way or hoist; berthing and mooring; and any car parking.
Utilities	If minor utilities.
Vehicle fuel sales and service	If for boats, freight transport, commercial passenger vehicles, and ships.
Vehicle parking	If for crew and passenger of a ship.
Discretionary	
Use Class	Qualification
Pleasure boat facilities	
Natural and cultural values management	
Resource processing	If aquatic or marine resources.
Sports and recreation	If water based activity and associated land based infrastructure.
Utilities	
Visitor accommodation	
Prohibited	
Use Class	Qualification
All other uses	

Rezoning the subject site to Local Business will remove the use limitations that are imposed by the Port and Marine zone by allowing use and development listed within Table 20.2 of the Scheme (refer to Table 2).

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Table 2 – Local Business Zone Use Table

No Permit Required	
Use Class	Qualification
Natural and cultural values managements	If care, conservation, rehabilitation, or protection against degradation, but must not include a building or development area for information or display of items or for any other use.
Passive recreation	If be a public park, reserve, or garden, or a building or structure for use by the local, community.
Permitted	
Use Class	Qualification
Bulky goods sales	If – <ul style="list-style-type: none"> (a) a garden centre for the retail sale of plants, landscaping, and gardening supplies and equipment; (b) floor coverings, furniture, or white goods; (c) building supplies and hardware; (d) office and hospitality supplies; and (e) gross floor area of not more than 300m²
Business and professional services	If – <ul style="list-style-type: none"> (a) office for administrative, clerical, technical, professional or similar activity that does not include direct and regular dealings with members of the public; (b) medical centre; (c) veterinary centre; and (d) gross floor area of not more than 300m².
Community meeting and entertainment	If gross floor area of not more than 300m ² .
Educational and occasional care	If – <ul style="list-style-type: none"> (a) day care facilities for children; (b) day respite centre; or (c) pre-school and primary school education.
Emergency services	If not intended for deployment beyond the local area, or as a facility for training, maintenance, storage, command or administration.
Food services	If not a take-away food premises with a drive-through facility.
General retail and hire	If – <ul style="list-style-type: none"> (a) grocery and convenience goods; or (b) personal services; and (c) an occasional market retailing goods by independent stall holders.
Hotel industry	If no drive-through sales.
Pleasure boat facilities	If a boat launch and recovery ramp primarily for trailer borne recreational vessels.

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Residential	If located on a floor above road or pedestrian level or to the rear of active frontage premises.
Service industry	If not motor repairs and panel beating.
Sports and recreation	If – (a) an indoor facility; and (b) a gross floor area of not more than 300m ² .
Tourist operation	If – (a) based on a building, area or place of regulated scientific, aesthetic, architectural or historic interest or otherwise of special cultural value; or (b) a visitors information centre; or (c) gross floor area of not more than 500m ² .
Utilities	If minor utilities.
Visitor accommodation	If – (a) in a building; (b) located on a floor above road or pedestrian level or to the rear of active frontage premises; and (c) guest accommodation is for not more than 16 people.
Discretionary	
Use Class	Qualification
Bulky goods sales	
Business and professional services	
Community meeting and entertainment	
Educational and occasional care	
Food services	
General retail and hire	
Hotel industry	
Passive recreation	
Pleasure boat facility	
Residential	
Service industry	
Sports and recreation	
Storage	
Transport and distribution	If – (a) loading or unloading of goods and passengers by bus, rail, ferry or taxi; and (b) courier and cartage of goods produced or sold from land within the applicable Local Business zone.
Tourist operation	
Utilities	
Vehicle fuel sales and service	If a service station
Visitor accommodation	
Prohibited	
Use Class	Qualification
All other uses	



Overall, it is considered that the Local Business zone is more appropriate for the subject site as opposed to the current Port and Marine zone on the following basis:

- many of the use classes that are permissible within the Port and Marine zone correlate with high probability of generating adverse impacts on the amenity of nearby sensitive uses through noise, odour, dust, vibration and other similar or like emissions. The use classes that are permissible within the Local Business zone will be more compatible with the locality and surrounding area within proximity to the subject site on the basis that they are typically more passive in terms of the level and extent of impacts generated by uses and will be similar to that of the established East Devonport Local Business zoned land;
- the development standards for the Local Business zone focus on creating good public spaces with particular emphasis on urban design and the interface between buildings and streets. On this basis, it is considered that the Local Business zone (and proposed retail complex) will produce a better urban design and public interface outcome particularly in light of the urban design enhancements that have occurred to the East Devonport Village. Overall, the proposed development is expected to build on the existing streetscape and enhancements of Murray Street and will also provide better visual, aesthetic and enticing interface for visitors and tourists departing from the Spirit of Tasmania terminal on the opposite side of Murray Street, as opposed to an industrial style development which is permissible under the Port and Marine zone.

2.2 Objectives of Schedule 1 of the Act

Sections 20(1)(a) and 43(c)(a) of the Act require a planning scheme and an amendment to a planning scheme to seek to further the objectives set out in Schedule 1 of the Act. The following section provides an assessment of the proposed amendment against each objective.

2.2.1 Schedule 1 Part 1

a) To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.

It is considered that the proposed rezoning promotes the sustainable development of Devonport's physical resources by enabling the expansion of the East Devonport Village within a spatially contiguous and developed area which will maximise the use of existing infrastructure, services and public facilities. The proposed Local Business zone is considered to be more conducive to the locale in comparison to the current Port and Marine zone in terms of enabling a range of uses to establish that are expected to result in minimal adverse impacts to the East Devonport Village and surrounding residential area.

Furthermore, the subject site does not contain any threatened flora or fauna species and does not contribute to significant ecological processes within the locality.

b) To provide for the fair, orderly and sustainable use and development of air, land and water.



The proposed rezoning will enable infill development to occur within a developed and serviceable area of Devonport for uses that are prohibited by the current Port and Marine zone. It is considered that the application of the Local Business zone to the subject site will form a continuous and logical extension of the East Devonport Village and will provide for a range of uses that are considered to be more compatible with the surrounding village area.

c) To encourage public involvement in resource management and planning.

Should the draft amendment be initiated by Council, public involvement will be achieved in accordance with the objective by virtue of the public exhibition period prescribed by section 38 of the Act. Members of the public are entitled to view the application and submit representations pursuant to section 39 of the Act.

d) To facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c).

If approved, the proposed rezoning and retail complex will stimulate and facilitate economic development during the construction and operational phases of the retail complex.

e) To promote sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry.

The combined permit and amendment process directly involves the private sector, Devonport Council, the Tasmanian Planning Commission and the community by virtue of the public exhibition process to determine the merits of the proposal and to administer the legislative process.

2.2.2 Schedule 1 Part 2

a) To require sound strategic planning and co-ordinated action by State and local government.

The combined permit and amendment proposal has been assessed against the relevant strategic documents that have been prepared under the auspices of the Devonport City Council as required by section 20(1) of the Act.

b) To establish a system of planning instruments to be the principle way of setting objectives, policies and controls for the use, development and protection of land.

The combined permit and amendment proposal seeks to change the instrument that governs use and development of the subject site from the Port and Marine zone to the Local Business zone. It is considered that the development provisions within the Local Business zone will achieve a better outcome for the locale in terms of expanding the East Devonport Village, capitalising on visitors from the Spirit of Tasmania into the East Devonport Village and minimising potential land use conflicts that may arise within the locality if the subject site was developed under the current Port and Marine zone.



- c) **To ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.**

The proposed rezoning and subsequent development of the subject site seeks to address the changing environmental, social and economic circumstance of Devonport by providing additional opportunities for employment, creating a well-designed retail space which integrates with the established East Devonport Village and encourages the community and visitors alike to utilise the facilities.

The subject site is within the interface of the Devonport port and East Devonport Village which is fully developed with the urban infrastructure and services. It is considered that the proposed rezoning and subsequent development will provide for the efficient and sensible extension of the East Devonport Village.

- d) **To require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels.**

The proposed Scheme amendment has been assessed against the relevant State Policies and land use strategies which consider environmental, social, economic and conservation priorities.

- e) **To provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals.**

The combined permit and amendment process enables a proposed amendment to a planning scheme to be considered with an application for use and development on land that would not ordinarily be allowed if the planning scheme was not amended as requested. Accordingly, section 43A of the Act provides for a consolidated and coordinated approval process.

- f) **To secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania.**

The proposed rezoning and subsequent retail complex will provide a logical extension of the East Devonport Village whilst providing additional opportunities for employment. The design of the proposed retail complex is considered to be sympathetic to the existing urban fabric of the East Devonport Village albeit with a contemporary spin. The retail tenancies have been oriented in order to engage directly with Murray Street and provide for undercover areas for shoppers in addition to designated pedestrian access between the Murray Street pavement and shopfronts. In addition, landscaping has been proposed throughout the site in order to soften the development from the streetscape. Overall, the proposed rezoning and subsequent retail complex is expected to provide for a pleasant, efficient and safe working and shopping environment for local residents, broader community and visitors.

- g) **To conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural values.**

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There are no known local historic or aboriginal heritage values applicable to the site. Notwithstanding this, the provisions of the *Aboriginal Heritage Act 1976* will apply to any development of the subject site.

- h) To protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.**

The subject site is located within a developed and serviceable area of East Devonport. New infrastructure will be constructed to connect into the existing services. It is not envisioned that the proposed rezoning or retail complex will compromise the functionality and operation of public assets and facilities within the community.

- i) To provide a planning framework which fully considers land capability.**

The subject site is not classified as agricultural land in accordance with the State Policy on the Protection of Agricultural Land 2009 on the basis that it is within an established urban area. Accordingly, this objective is not relevant to the proposed rezoning.

2.3 Cradle Coast Regional Land Use Strategy 2010-2030

Section 30O(1) of the Act specifies that an amendment may only be made to a local provision of a scheme, or to insert or remove a local planning provision from a planning scheme where it is consistent with the regional land use strategy for the area. Accordingly, an assessment of the proposed rezoning and subdivision against the relevant sections of the Cradle Coast Regional Land Use Strategy 2010-2030 (RLUS) is provided in the following section.

2.3.1 Overview of the RLUS

The RLUS is a key policy framework that has been established to set out the expectations and desired future outcomes for land use planning within the Cradle Coast Region (the Region). The primary purpose of the RLUS is to provide the strategic foundation for land use planning within the Region as a platform to guide planning decisions within the context of the Region. A primary objective of the RLUS is to integrate land use planning and policy with environmental, social, economic, conservation and resource management priorities in order to:

- manage the region's development in response to ongoing socio-economic and physical environmental change; and
- protect and enhance the region's quality of life (liveability), productivity and sustainability for existing and future communities across the Region.

2.3.1 Structure of the Strategy

The RLUS acknowledges that complex interactions exist between environmental, economic and social spheres when making land use planning decisions. As such, the RLUS adopts a comprehensive, integrated and long-term approach to land use planning and recognises that synergies among policy areas.



Accordingly, the RLUS is broken up into five core policy groupings on which to build and execute the policies necessary to shape and guide future land use planning decisions. The five policy groupings are as follows:

1. **Implementing the Framework** - making it happen and keeping it relevant;
2. **Wise Use of Resources** - respect for what is valued;
3. **Support for Economic Activity** - a diverse and robust economy;
4. **Places for People** - sustainable and liveable communities; and
5. **Planned Provision for Infrastructure** - support for growth and development

Of the five policy groupings, Support for Economic Activity and Places for People are considered to be most relevant to the proposed draft amendment and development.

2.3.2 Support for Economic Activity

The RLUS recognises that business, retail, service and community support sectors are well established within the Region, understanding that the performance of each sector is largely dependent on population growth, demographic characteristics, and strength of the local economy. Accordingly, the policy group is broken into multiple sub-sections which address different aspects of the context and direction of the policy.

The following section identifies the relevant policy objectives of applicable sub-sections and provides a response against each policy objective in order to demonstrate how the proposed amendment and development aligns with each objective.

Principle	Objective
3.3.1	Economic Activity a. Facilitate supply of employment land in all settlement areas for industrial, business and institutional use including in residential locations <i>Response</i> <i>The proposed rezoning will broaden the scope of use and development that can establish on the subject site, rather than being limited to the qualifications within the Port and Marine zone. Accordingly, the proposed rezoning will enhance and maximise the use of existing employment land within the East Devonport Village and broader East Devonport settlement area.</i>
	d. Promote provision of employment land in locations where: <ol style="list-style-type: none"> i. land is physically capable of development; ii. transport access and utilities can be provided at reasonable economic, social and environmental cost;

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	<p>iii. there is access to resource, energy, communication, and workforce; and</p> <p>iv. sufficient separation can be provided to buffer impact on natural values, economic resources and adjoining settlement.</p>
	<p>Response</p> <p>The subject site is considered suitable for conversion from the Port and Marine zone to the Local Business zone on the following basis:</p> <ul style="list-style-type: none"> the subject site is located within a developed urban area of East Devonport and is capable of being serviced by water, sewage, stormwater infrastructure whilst providing a logical extension of the East Devonport Village, being contiguous to the western fringe; the subject site is bound by Murray Street to the north and Norton Way to the south. Murray Street is a local road which is primarily utilised by small/light vehicles. It is also the location of the primary light vehicle embarkation and disembarkation point for the Spirit of Tasmania ferry service. Norton Way is the primary route for heavy vehicles moving to and from the Spirit of Tasmania terminal. Accordingly, the subject site has the benefit of light and heavy vehicle access to and from the site; the subject site is capable of being connected to electricity and telecommunication networks and is within walking distance of the East Devonport settlement area in which employment can be drawn from; the subject site is located on the western fringe of the East Devonport Village which is away from the established residential areas of East Devonport to the north (beyond the ferry terminal) and east. Accordingly, any future use and development will be buffered from the primary residential areas.
3.3.9	<p>Business and Commercial Activity</p> <p>a. facilitate convenient access in each settlement area to food and convenience goods retailers and services.</p> <p>Response</p> <p>The proposed rezoning will enable the subject site to be opened up to general retailing activities rather than being restricted to port and marine retailing activities. The proposed retail complex will provide for a new supermarket and two vacant tenancies for new businesses to establish (within the parameters of the Local Business zone) which will service the established residential settlement of East Devonport and surrounding catchment.</p> <p>b. promote the distribution of higher order retail goods and services throughout the Region in a manner consistent with recognised settlement patterns and at a scale, type and frequency of occurrence appropriate to settlement size, local</p>

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	<p>consumer demand, and relationship to the wider regional market;</p> <p>i. in this regard Devonport, Burnie, Latrobe, Sheffield, Ulverstone, Wynyard, Queenstown, Smithton and Currie will provide regional or district business and commercial service roles in addition to meeting local demand.</p>
	<p>Response</p> <p>The proposed rezoning is not expected to disrupt higher order retailing areas throughout the Region, including the Devonport Homemaker Centre and CBD, on the basis that the Local Business zone restricts the size, scale and intensity of retail and business service uses. The intention of the proposed rezoning is to establish a purpose-built retail complex which will primarily service the settlement area of East Devonport and surrounding catchment in addition to visitors embarking and disembarking from the Spirit of Tasmania ferry and the nearby caravan parks to the north on the eastern side of the Mersey River mouth. Furthermore, the size and location of the subject site is not conducive to large format retailers in terms of floor space restrictions and exposure and access to major arterial roads.</p>
	<p>c. facilitate retail and service provision to complement and enhance the collective drawing power of existing retail and service areas but which does not involve location of major attractors for the express purpose of capturing market share in excess of that warranted by settlement size and relative function in a regional context.</p>
	<p>Response</p> <p>The proposed rezoning will provide for an extension of the East Devonport Village. The expansion of the East Devonport Village is considered appropriate and suitable given that the subject site is disconnected from the activities and operation of the Devonport port. The proposed retail complex is expected to enhance and build on the urban design infrastructure that has been put in place within the East Devonport Village. The inclusion of additional supermarket floor space is not considered to be a major attractor, and is not considered excessive for the settlement size, surrounding catchment and access to passing traffic from the Spirit of Tasmania terminal.</p>
	<p>d. promote integration of neighbourhood retail and service provision into residential areas at a scale, location and disposition suitable to service local need.</p>
	<p>Response</p> <p>The proposed rezoning will enable the subject site to be integrated with the East Devonport Village which is an established local business area that primarily services the East Devonport settlement area. Subsequent development of the subject site (such as the proposed retail complex) will likely be commensurate to the scale and disposition of the East Devonport Village.</p>

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	<p>e. maintain the integrity, viability and vitality of established centres by locating new business and commercial development onto land within or immediately contiguous with existing town centres and commercial zones.</p>
	<p><i>Response</i></p> <p><i>Rezoning the subject site to Local Business and subsequently extending the East Devonport Village is not expected to compromise the role and function of the established retail and service centres of the Devonport Homemaker Centre or CBD. Furthermore, the proposed rezoning will accord with this objective on the basis that it will locate additional Local Business zoned land immediately adjacent to the East Devonport Village which is expected to enhance and contribute to the fabric and functionality of the neighbourhood retail centre.</i></p>
	<p>f. promote increased mix of land use, including for housing, within accessible business centres to encourage viability and vitality.</p>
	<p><i>Response</i></p> <p><i>The proposed rezoning will directly promote an increased mix of land use within the curtilage of the East Devonport Village by removing the land use restrictions that are imposed by the current Port and Marine zoning of the subject site.</i></p>
	<p>g. prevent linear commercial development.</p>
	<p><i>Response</i></p> <p><i>The proposed rezoning represents consolidation of an established retail centre which will add to the depth of the East Devonport Village rather than creating linear or 'ribbon' commercial development along the main roads leading to the East Devonport Village.</i></p>
	<p>h. prevent leakage of commercial and retail activities from preferred locations by restricting retail sales in other land use areas.</p>
	<p><i>Response</i></p> <p><i>The application of the Local Business zone to the subject site is appropriate on the basis that it will reflect the same zone as the East Devonport Village which is the preferred location for the provision of a neighbourhood retail centre for East Devonport. The Local Business zone is the appropriate zone to provide for local retail and business service activities.</i></p>
	<p>i. provide designated locations for bulky goods and large format retailing, including for vehicular, building and trade supply, and home improvement goods.</p>
	<p><i>Response</i></p> <p><i>The proposed rezoning is not expected to compromise or undermine the established higher order retail areas of Devonport which provide for large format retailing and include the Devonport Homemaker Centre and CBD.</i></p>

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	j. restrict sale of food, clothing and carry away consumables through bulky goods and large format retail outlets outside town centres.
	<i>Response</i>
	<i>The proposed rezoning will build on an existing neighbourhood centre and is not expected to draw customers/clientele from outside the East Devonport Village.</i>
	k. require proposals for major business or commercial development outside designated town centres be supported by need, absence of suitable alternative sites and of potential for immediate, incremental or cumulative adverse affect on established town centres and the regional pattern of retail and service provision.
	<i>Response</i>
	<i>The proposed rezoning is directly related to the established retail centre of the East Devonport Village and is not expected to undermine the existing pattern of retail and service provision within Devonport and the broader Cradle Coast Region.</i>

2.4 Devonport City Council Strategic Plan 2009-2030

Section 20(1)(c) requires planning schemes to have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the Local Government Act 1993 as adopted by the council at the time the planning scheme is prepared. Although this section is not explicitly part of the draft amendment process as directed by the Act, it is considered appropriate to assess the proposed draft amendment against this section on the basis that it proposed to amend the Scheme that was prepared in accordance with section 20(1) of the Act.

The Devonport City Council Strategic Plan 2014-2024 (the Plan) is a key policy document overarching the Devonport City Council (the Council) which provides direction to the roles in which the Council undertakes the delivery of services in order to enhance and maintain the quality of life for residents in social, economic and environmental terms. The following table identifies the most relevant sections of the Plan and provides an assessment of how the proposed draft amendment responds to each objective and outcome.

Goal	Outcomes and Strategies
2	Building a Unique City Devonport continues to develop its uniqueness as a City. The City's location provides a desirable position and ready-made advantages to guide future development and urban design. Land use planning and building on current strengths shall assist in the creation of precincts linking the river and coast, and offer a range of cultural, recreational and entertainment experiences. Strategic branding and marketing will underpin future development and

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	growth, promoting the City as the place to live, invest, work, shop and visit.
2.1	Council's Planning Scheme provides rational and practical clustering of common site uses, and facilitates appropriate development
	<i>Response</i> The proposed rezoning will align with this goal on the basis that it will enable the pragmatic consolidation of Local Business zoned land within the curtilage of the East Devonport Village which will assist in facilitating development that will be consistent and in keeping with the East Devonport Village as opposed to development for port and marine purposes which is allowable under the current zoning of the subject site.
2.1.1	Apply and review the Devonport Interim Planning Scheme as required, to ensure it delivers local community character and appropriate land use.
	<i>Response</i> The proposed rezoning presents an opportunity for the Devonport City Council to review the zoning of the subject site in order to assess whether the current Port and Marine zone will deliver desired local character objectives and appropriate land use in the context of the East Devonport Village and proximity to the entrance to Devonport from visitors travelling on the Spirit of Tasmania.
2.1.2	Provide high quality, consistent and responsive development assessment and compliance processes.
	<i>Response</i> The proposed rezoning and development application will be assessed in accordance with the requirements of the Act which will ensure assessment is consistent and responsive to community expectations.
2.1.3	Work in partnership with neighbouring councils, State Government and other key stakeholders on regional planning and development issues.
	<i>Response</i> The proposed rezoning has been assessed against the Cradle Coast Regional Land Use Strategy which sets out the regional framework for land use and development. It is submitted that the proposal will be in keeping with the objectives and principles of the regional land use strategy as outlined within section 2.4 of the planning submission.
2.4	Promote the development of the CBD in a manner which achieves the LIVING CITY Principles Plan.
2.4.1	Develop and implement a CBD Master Plan aligned to the key LIVING CITY principles based on community engagement outcomes.
	<i>Response</i>

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	<i>The proposed rezoning is not expected to compromise or undermine the work that is being undertaken within the CBD and more specifically the Living City project.</i>
3	Growing a Vibrant Economy Devonport's location supports its position as the service and retail centre for North West Tasmania. Accessibility in, around and out of the City will be supported by sound planning and management. Devonport's natural beauty, its location as the sea gateway to Tasmania and home of the Spirit of Tasmania, provides the foundations for developing experiences and unique events to attract and retain visitors. Rich agricultural surrounds provide the opportunity to further develop food production, processing and experiences. With modern communication technology, Devonport engages with the world's markets, consumers and travellers.
3.1	Devonport is the retail and service centre for North West Tasmania.
3.1.1	Market and promote the City and its potential as a regional business hub. <i>Response</i> <i>The proposed rezoning will not detract from the importance and prominence of the Devonport CBD as a regional business hub.</i>
3.1.2	Manage strategic urban development initiatives that supports the importance of the CBD and reduces fragmentation. <i>Response</i> <i>The proposed rezoning represents consolidation of the East Devonport Village which is an established neighbourhood retail centre.</i>
3.2	Devonport's thriving visitor industry is developed around the water, natural beauty, location and agricultural advantages of the area.
3.2.1	Support tourism through the provision of infrastructure and facilities. <i>Response</i> <i>The proposed rezoning and subsequent retail complex will provide additional services for visitors to Devonport (and Tasmania in general) in terms of its proximity to the embarkation and disembarkation point of the Spirit of Tasmania ferry. The retail complex has been designed to engage with the Murray Street frontage which will in turn engage with the exit point of the Spirit of Tasmania which is directly opposite the subject site. In addition, the entrance and exit points of the retail complex have been designed to encourage vehicles to enter and circulate around the car park back onto Murray Street and through the East Devonport Village which is expected to assist with exposing visitors to other retail and service offerings within the East Devonport Village.</i>

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3.2.3	Facilitate a pro-active approach by business to embrace tourism opportunities.
	<p><i>Response</i></p> <p><i>The proposed rezoning and subsequent retail complex is seeking to draw from visitors arriving and leaving Tasmania via the Spirit of Tasmania in addition to servicing the local East Devonport settlement area. It is considered that the proposed retail complex will integrate and contribute positively to the urban development that has occurred within the East Devonport Village and is expected to enhance the entrance point to Devonport through the construction of a new purpose-built retail complex which will include contemporary architectural treatments and landscaping.</i></p>
3.5	Our economic progress continuously improves.
3.5.3	Promote, encourage and develop initiatives that maximise the local economy and retain local expenditure.
	<p><i>Response</i></p> <p><i>The proposed rezoning and subsequent retail complex will directly stimulate and contribute to the local economy by way of employment during the construction and ongoing operations. It is expected that the operation of the retail tenancies will retain local expenditure through the employment of local residents from the East Devonport settlement.</i></p>

2.5 East Devonport Community Plan Review 2014-2019

The primary purpose of the East Devonport Community Plan Review 2014-2019 (the Plan) is to provide a strategic approach to meeting the changing and diverse needs of the East Devonport and surrounding community whilst recognising the opportunities to enhancing economic, social, cultural and environmental outcomes for the community.

The Plan builds on the investigations that culminated with the Devonport Eastern Shore Project Urban Design Framework 2004 which was a significant infrastructure and urban design document which resulted in the following projects:

- Murray Street road works and urban design;
- redevelopment of Wright Street;
- underground power infrastructure in Murray Street and Wright Street; and
- enhanced waterfront access.

The urban design project and subsequent redevelopment of the East Devonport retail village laid the foundation for business and retail growth through the beautification of key streets and public areas in addition to enhancing the provision of services and facilities. Overall, it is considered that the proposed rezoning and subsequent retail complex development will build on the work that has been undertaken by the Council in consultation with the East Devonport and surrounding community through the extension of the local business area toward the embarkation and disembarkation point of the Spirit of Tasmania.

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In addition, the purposefully designed retail complex is expected to activate the Murray Street frontage through pedestrian and small vehicle linkages in addition to urban design elements that have been incorporated into the retail complex including landscaping, architectural façade treatments and communal space areas.

Overall, the Plan identifies ten strategic objectives which establish the platform in which to pragmatically achieve the aim of the Plan. The following table outlines the relevant strategic objectives and identifies the synergies between each objective and the proposed rezoning.

Objective	Identified Issues and Actions
2	<p>Beautification which fosters a sense of place through planned infrastructure and enhanced landscaping.</p> <p><i>Response</i></p> <p><i>It is considered that the proposed retail complex will build on the urban design work that has been undertaken within the East Devonport Village, in particular to Murray and Wright Streets. This will be achieved through the orientation of the retail complex to the north which will engage with the Murray Street frontage, in addition to incorporating landscaping between the frontage and main car parking area which is expected to integrate with the existing streetscape planting along Murray Street and soften the car parking area from the Murray Street. Overall, it is considered that the proposed retail complex will rejuvenate the streetscape along the western end of Murray Street.</i></p>
3	<p>Increased economic viability and enhanced retail offerings.</p> <p><i>Response</i></p> <p><i>It is considered that the Local Business zone and subsequent retail complex will enhance the retail offerings within the East Devonport Village. Furthermore, the purpose-built complex and contemporary design of the tenancies and facilities and location (within proximity to high visitor exposure) is expected to entice businesses to establish within the smaller tenancies in addition to attracting customers as well as building on the existing customer base.</i></p> <p>Support opportunities for new development which foster local job growth.</p> <p><i>Response</i></p> <p><i>The proposed rezoning and retail complex is expected to directly foster job growth through the creation of new employment opportunities which will be required for the operation of the supermarket in addition to other businesses that will establish within the smaller tenancies.</i></p>
4	<p>Enhanced visitor experience</p> <p><i>Response</i></p> <p><i>The redevelopment of the subject site for the purposes of a purpose-built retail complex is expected to rejuvenate the site and western end</i></p>

	<i>of Murray Street which is the entrance to Devonport for visitors travelling on the Spirit of Tasmania ferry.</i>
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2.6 Devonport Retail Study 2008

The Devonport Retail Study (DRS) was prepared in 2008 and provides a comprehensive assessment of Devonport's retail landscape in order to develop a strategy to guide future development of the Devonport retail sector. The DRS examined each of the retail activity centres that form part of the established retail hierarchy which include:

- The Devonport Central Business Zone;
- East Devonport;
- Spreyton;
- Valley Road; and
- Steele Street/Don Road.

2.6.1 East Devonport Retail Area

The East Devonport Retail area is located on the eastern side of the Mersey River and serves the East Devonport settlement area, Devonport port and industrial area and broader catchment. The retail facilities are concentrated in two distinct locations being the East Devonport Village which is located in the northern section of the settlement area adjacent to Spirit of Tasmania terminal and the Tarleton Street retail precinct located to the south near the intersection with Torquay Road.

2.6.2 East Devonport Village

The East Devonport Village (EDV) is centred around Murray Street, Wright Street and Thomas Street with retail tenancies fronting onto each of the streets (refer to Image 5).



Image 5 - Aerial image of East Devonport Village retail area highlighted by the red shading.



The Devonport Eastern Shore Project Urban Design Framework (UDF) which was completed in 2004 nominated the EDV as the preferred location for future retail development with retail and commercial development along Tarleton Street to be discouraged. Subsequently, the EDV underwent an urban design redevelopment primarily along Wright and Murray Streets in order to reinvigorate the streetscape and activate pedestrian networks in addition to providing a designated public parking space.

The DRS identifies the connection the EDV has with the embarkation and disembarkation for the Spirit of Tasmania with and acknowledges that a number of cafes and traders seek to leverage from the tourist trade which is generated by the Spirit of Tasmania. The DRS identifies the following key issues for the EDV:

1. the centre lacks a sense of vibrancy and has a number of vacant tenancies;
2. the ability to which the centre can benefit from the exposure to tourists created by the Spirit of Tasmania and its role in servicing the local retail need; and
3. the limited opportunity to provide neighbourhood-level retail services to a wider catchment travelling along Torquay road and Tarleton Street.

It is considered that the proposed rezoning and retail complex will directly assist EDV in alleviating the issues on the following grounds:

1. the proposed retail complex will build on the urban design work that has been undertaken within the East Devonport Village, in particular to Murray and Wright Streets. This will be achieved through the orientation of the retail complex to the north which will engage with the Murray Street frontage, in addition to incorporating landscaping between the frontage and main car parking area which is expected to integrate with the exiting streetscape planting along Murray Street and soften the car parking area from the Murray Street. Overall, it is considered that the proposed retail complex will rejuvenate the streetscape along the western end of Murray Street;
2. the purpose-built complex and contemporary design of the tenancies and facilities and positioning at the gateway to Tasmania (and Devonport) off the Spirit of Tasmania is expected to entice businesses to establish within the smaller tenancies in addition to attracting customers from tourist trade;
3. the proposed rezoning and retail complex will enhance the capacity of the EDV to provide greater depth of retail services to the wider tourist population and East Devonport residential settlement.

2.6.3 Future Directions for Retailing in Devonport

The following table provides an assessment of the proposed retail complex against the key principles of the Strategy.

Principle	Objective
1	<i>Develop and support a Retail Activity Centre hierarchy.</i>

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	<p>Develop and support a retail activity centre hierarchy that describes the specific role, function and theme of centres in the City of Devonport. This is intended to provide greater certainty for stakeholders including Council, developers, property owners and businesses.</p> <p><i>Response</i></p> <p><i>The proposed rezoning and subsequent retail complex will build on the established Devonport retail activity centre hierarchy by consolidating the established neighbourhood retail activity centre of East Devonport Village.</i></p>
2	<p>Maximise retention of retail spending and the level of captured spending through provision of an efficient Activity Centre hierarchy.</p> <p>Council will work with stakeholders to retain residents' spending in Devonport through the improvement of existing centres/shops, and by facilitating the development of additional retail facilities where they meet the needs of residents and visitors and where such development is in accordance with the strategic planning objectives of Council. This will be achieved with recognition of the role that Devonport plays in serving residents of the wider Devonport Retail Region.</p> <p><i>Response</i></p> <p><i>The proposed retail complex is expected to contribute to the retention of retail spending and maximise the level of captured spending through a mixture of local and visitor consumers.</i></p>
3	<p>Promote Development which consolidates activity in centres.</p> <p>Devonport has in the past lacked an established hierarchy of retail centres and an integrated strategic planning policy for retail development. It is important to ensure that, in the future, defined activity centres provide the focus for ongoing retail and business development, and that these are the locations where ongoing private and public investment will be directed and consolidated.</p> <p><i>Response</i></p> <p><i>The proposed rezoning and subsequent retail complex will build on the established Devonport retail activity centre hierarchy by consolidating the established neighbourhood retail activity centre of East Devonport Village.</i></p>
4	<p>Recognise and support the primacy of Devonport CBD.</p> <p>Recognise and support the important role of the Devonport CBD in the provision of retail, business, community and civic activities. Enhance the centre's role as the symbolic and functional "heart" of the Devonport community, and as the "face" of the City to tourists and other visitors. Promote Council's role as a proactive facilitator of private and public investment in the CBD.</p> <p><i>Response</i></p>

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	<i>The proposed rezoning and retail complex is not expected to compromise or undermine the primacy of the Devonport CBD given the relatively small scale of the retail development when compared to larger format retailers that are established within the Devonport Homemaker Centre and CBD.</i>
5	<p>Encourage an appropriate mix of activities where commercially viable.</p> <p>Encourage the development of activity centres as lively foci for a wide range of uses including shopping, business, work and leisure, and where such uses are commercially viable.</p> <p><i>Response</i></p> <p><i>The proposed rezoning will enable a greater range of uses to establish on the subject site as opposed to the use restrictions that are imposed by the Port and Marine zone.</i></p>
6	<p>Ensure activity centres develop in an integrated fashion.</p> <p>Encourage land use and development that is integrated with transport and other community infrastructure so that activity centres operate in a manner that is integrated, efficient and economically and environmentally sustainable. Facilitate this outcome by ensuring that sufficient strategic planning is undertaken for all of the city's retail activity centres.</p> <p><i>Response</i></p> <p><i>The proposed rezoning and retail complex will enhance and maintain the established Devonport activity centre hierarchy.</i></p>
7	<p>Facilitate appropriate homemaker development.</p> <p>Ensure that larger-format homemaker development occurs at appropriate locations, and that such development contributes to the achievement of a net community benefit and does not undermine retail activity centre policy.</p> <p><i>Response</i></p> <p><i>The proposed rezoning and retail complex will not compromise or undermine the established Devonport Homemaker Centre.</i></p>
8	<p>Apply retail planning and assessment criteria for retail proposals.</p> <p>Support retail development applications where the proponent clearly established the retail need for such development and where the adverse impacts on the operation of the retail activity centres hierarchy are within acceptable limits.</p> <p>Support retail development applications involving the rezoning of land in or adjoining existing activity centres where the proponent clearly establishes retail need and other requirements noted above.</p> <p><i>Response</i></p> <p><i>The proposed rezoning and retail complex has been assessed against the retail assessment criteria prescribed by the retail strategy.</i></p>



2.6.4 Retail Analysis of Proposed Retail Complex

The following information and analysis has been provided in order to provide Council with the assessment of the development application for additional retail floor space as prescribed by section 9 of the Strategy.

Details of proposed retail complex

Element	Detail
Address	2-12 Murray Street, East Devonport
Title	Refer to section 1.1
Floor Space	Combined 1,720m ²
Tenancies	3
Retail Types	1 x General Retail and Hire (supermarket) 2 x vacant tenancies
Car Parking	38 onsite car parking spaces available with the addition of long vehicle (caravan and campervans) pull-off area.

2.6.4.1 Retail Demand

The primary catchment for the EDV is the East Devonport settlement area. Data from the 2011 census indicates that the East Devonport settlement area has a population of approximately 5,075 which generates approximately \$486,234.86 of weekly expenditure on grocery, general merchandise and related items equating to approximately \$25.3 million annually. The weekly expenditure is an overall figure and is not aligned to a specific retail area.

It has been determined that of the weekly expenditure figure, approximately \$341,469.20 can be potentially captured within the EDV which equates to approximately \$17.8 million annually.

Currently, the expenditure figure is being serviced by approximately 2,590m² of food retail floor space which include two small/medium size supermarkets, a butcher, seafood retailer and various cafés, takeaways and restaurants. It is presumed that of the \$17.8 million of expenditure that can potentially be captured within EDV by existing retailers is actually a lot lower than this figure on the basis that there are only two small grocery stores within East Devonport.

Accordingly, a key driver of the proposed retail complex is to retain expenditure from the East Devonport catchment within the EDV by providing a purpose-built retail facility that offers a larger format retail space which will enable greater product choice in addition to onsite car-parking therefore enticing a broader segment of the catchment to shop at the facility. The proposed retail complex is therefore expected to directly assist in lowering potential escape spending within the catchment.

Another factor driving the demand for the retail complex is the opportunity to attract and entice tourists and visitors to the Tasmania that travel on the Spirit of Tasmania. This will be achieved by the exposure of the site from the embarkation and

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disembarkation point of the Spirit of Tasmania in addition to the ease of parking and vehicular manoeuvrability which will be offered by the complex.

Accordingly, the proposed retail complex seeks to serve the local catchment which is believed to minimise escape spending in addition to leveraging from the tourist and visitor trade generated by the Spirit of Tasmania.

2.6.4.2 Retail Supply

A key factor that has driven site selection for the retail complex is area of land available to accommodate the supermarket and to include the two other tenancies in addition to providing on-site car parking as well as loading and unloading facilities. A key issue that is presented within the East Devonport Village is the lack of a site which comprises the attributes to facilitate the proposed retail complex development.

A site assessment and desktop analysis of EDV was undertaken in order to determine the current supply of land within EDV for the purposes of establishing the retail complex which illustrates the land supply issue. The composition of the EDV is illustrated in the following table.

Address	Existing Development/Use	Land Area	Building Area
22 Thomas Street	<ul style="list-style-type: none"> • Shop front dwelling; • Previously a newsagent, currently vacant. 	• 856m ²	<ul style="list-style-type: none"> • Shop front: 55m²; • Dwelling: 127m²
26 Thomas Street	<ul style="list-style-type: none"> • 2 x shop front tenancies; • 1 x Adult sex product shop; • 1 x vacant tenancy. 	• 415m ²	• 360m ² (combined)
28 Thomas Street	<ul style="list-style-type: none"> • 1 x corner shop front tenancy; • Business and professional service office. 	• 533m ²	• 432m ²
59 Wright Street	<ul style="list-style-type: none"> • Multiple tenancies; • 1 x hairdresser; • 1 x office building (Maritime Union); • 1 x butcher; • 1 x health food shop; • 1 x IGA X-Press 	• 1,866m ²	• 1,147m ² (combined)
60 Wright Street	<ul style="list-style-type: none"> • Dwelling 	• 1,067m ²	• 189m ²
61 and 65 Wright Street	<ul style="list-style-type: none"> • 2 x vacant blocks 	• 2,084m ² (combined)	• N/A
62 Wright Street	<ul style="list-style-type: none"> • Pharmacy 	• 1,012m ²	• 375m ²
64 Wright Street	<ul style="list-style-type: none"> • Dwelling; • Vacant block 	<ul style="list-style-type: none"> • Dwelling block: 1,010m²; • Vacant block: 1,010m² 	• 167m ²
67 Wright Street	<ul style="list-style-type: none"> • Bakery shopfront; • Dwelling located to rear of shopfront. 	• 815m ²	<ul style="list-style-type: none"> • Bakery: 163m²; • Dwelling: 132m²

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Address	Existing Development/Use	Land Area	Building Area
69 Wright Street	• Dwelling	• 837m ²	• 320m ²
68 Wright Street	• Dwelling	• 482m ²	• 170m ²
71 Wright Street	• Dwelling; • Newsagent • Cafe	• 1,890m ² (split over three titles)	• Dwelling: 141m ² ; • Newsagent: 150m ² ; • 230m ²
73 Wright Street	• Council car park	• 2,433m ²	• N/A
77 Wright Street	• Service industry – tyre and vehicle repairs	• 2,000m ²	• 900m ²
83 Wright Street	• Vacant land	• 652m ²	• N/A
14 Murray Street	• Abandoned/derelict building	• 697m ²	• 170m ²
15 Murray Street	• Multiple shopfront tenancies; • 1 x café/takeaway; • 1 x dog grooming; • 1 x professional office; • 1 x retail shop; • 1 x hairdresser; • 1 x restaurant.	• 2,370m ²	• 963m ² (primary shop front tenancies)
16 Murray Street	• Post office	• 318m ²	• 115m ²
18 Murray Street	• Clothing depot and retail outlet	• 2,319m ²	• 1,095m ²
29 Murray Street	• Business and professional offices; • 1 x physio; • 1 x accountant; • 1 x laundromat	• 381m ²	• 303m ²

Based on the above analysis, the following conclusions can be made with respect to the supply of retail land within the EDV:

- Of the 22 sites, there are 4 vacant sites with a combined area of 3,746m². However, the vacant sites are not contiguous with the largest area of vacant land located at 61 and 65 Wright Street which is 2,084m² in area;
- When considering the combined tenancy area, car parking spaces and truck unloading area of the proposed retail complex, it is evident that the land located at 61 and 65 Wright Street is not of sufficient size to accommodate the proposed development;
- Furthermore, the site at 61 and 65 Wright Street is not considered suitable from a traffic management perspective. The TIA expects that the retail complex to generate 2,085 vehicles per day and 215 vehicle trips per hour during peak periods. In this instance, the site of 61 and 65 Wright Street is located between the intersections of Thomas Street and Murray Street which are controlled by round-a-bouts.



Accordingly, vehicles would be travelling through the main thoroughfare of the EDV which generates significant vehicle and pedestrian movements. Overall, it is considered that the capacity of the site located at 61 and 65 Wright Street to accommodate sufficient car parking spaces to service the use and the capacity of Wright Street to accommodate the significant increase in vehicle movements (including articulated trucks) is limited.

In conclusion, the East Devonport Village is identified as the preferred location for the local business centre of East Devonport. It has been identified that there is insufficient supply of land within the EDV to accommodate the proposed development. Subsequently, there are no suitable alternative sites in terms of location and land area to accommodate the proposed retail complex.

2.6.4.3 Escape Spending

Section 6.7 of the DRS defines escape spending as the extent to which spending by residents in a particular region is directed to facilities located outside the region. Furthermore, the DRS identifies that a high level of escape spending indicates a relative lack of conveniently-located retail facilities in the area and potentially latent demand for addition retail development.

Overall, the proposed retail complex is not expected to result in escape spending outside of the broader Devonport catchment on the basis that East Devonport forms part of the broader catchment. However, the retail complex is expected to reduce escape spending within the East Devonport catchment by providing a new purpose built retail facility which will encourage usage from customers residing within the East Devonport settlement area.

2.6.4.4 Impact on Existing Retail Facilities

Based on the supply analysis within section 2.7.4.2 it is evident that there is a mixture of retail facilities within the EDV which include a newsagent, bakery, butcher and grocery store. Each of the existing retail facilities are located within established buildings and have a relatively small footprint. With the exception of the grocery store, the other retail facilities are speciality facilities such as the butcher and bakery. As such, the proposed supermarket is not expected to significantly effect trade for these shops even though the supermarket will include the sale of bakery and meat items.

Of all the retail facilities within the EDV, the proposed retail complex, in particular, the supermarket, is expected to be in direct competition with the IGA X-Press which is located at 59 Wright Street. Notwithstanding this, the existing IGA X-Press is a smaller convenient store which offers a different experience and service than the proposed supermarket tenancy will offer with a key point of difference being that the proposed supermarket tenancy will primarily be utilised for larger shops rather than utilised as a small convenience store.

The proposed retail complex is expected to lead to an overall improvement in the provision of retail facilities within the EDV which is anticipated to minimise escape spending within the East Devonport catchment as detailed within section 2.7.4.3. Furthermore, the proposed retail complex is expected to attract customers to the EDV as a destination facility which will encourage customers to filter through other business within the EDV that may not have necessarily shopped in EDV without the retail complex being present.



The proposed retail complex is not expected to result in a loss of employment in other centres given that the scale and type of activity proposed is significantly different to the larger retail centres including the Home Maker Centre and the Devonport CBD.

2.6.4.5 Other Planning Issues

The proposed retail complex has been assessed against the Devonport Interim Planning Scheme 2013 which is detailed within section 4.

2.6.4.6 Net Community Benefit

The community benefits of the proposed retail complex are summarised as follows:

- The proposed retail complex will generate approximately 20 full time equivalent jobs in addition to construction jobs. It is expected that the new jobs will be accommodated by residents within the East Devonport settlement area;
- The proposed retail complex will provide additional choice to shoppers within the East Devonport settlement area both in the form of a larger format grocery store which will entail a broader product range in addition to offering contemporary and modern facilities;
- Overall, it is considered that the proposed retail complex will rejuvenate the streetscape along the western end of Murray Street which will enhance the vibrancy and sustainability of the EDV as outlined within section 2.7.2;
- The proposed retail complex is expected to contribute to liveability and social interaction within the EDV and broader settlement area by providing a larger format retail space which is likely to generate greater interaction between shoppers, in addition to the communal space located at the forecourt of the supermarket building.

2.7 State Policies

Section 20(1)(b) requires planning schemes to be prepared in accordance with State Policies made under section 11 of the State Policies and Practices Act 1993. Although this section is not explicitly part of the draft amendment process as directed by the Act, it is considered appropriate to assess the proposed draft amendment against this section on the basis that it proposed to amend the Scheme that was prepared in accordance with section 20.

Currently, there are four State Policies that are in effect within Tasmania. The following section identifies each policy and assesses the application against the content of the policy.

2.7.1 State Policy on the Protection of Agricultural Land 2009

The subject site is not classified as agricultural land in accordance with the State Policy on the Protection of Agricultural Land 2009 (PAL Policy) on the basis that it is within an established urban area. Accordingly, the PAL Policy is not relevant to the proposed rezoning.



2.7.2 Tasmanian State Coastal Policy 1996

The State Coastal Policy 1996 (the Policy) applies to all land within Tasmania located within 1km of the high-water mark. In this instance, the subject site is located within 1km of the high-water mark of the Mersey River and East Devonport Beach to the north.

Notwithstanding this, the objectives of the Policy are not considered relevant to the subject site on the basis that the site has been highly modified overtime and does not form part of the coastal dune, littoral or associated coastal landscape area.

2.7.3 State Policy on Water Quality Management 1997

The State Policy on Water Quality Management 1997 (the Policy) is concerned with achieving *'sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania's Resource Management and Planning System'*.

The proposed rezoning and development will not modify or compromise existing surface water resources including rivers, dams and storage reservoirs. The subject site and subsequent development will be connected into existing services including sewage, water and stormwater which will ensure that all concentrated water runoff and sewage is managed and disposed of appropriately. Accordingly, it is envisaged that the proposed rezoning and subdivision will be consistent with the Policy.

2.7.4 National Environmental Protection Measures

The current National Environmental Protections (NEPM) relate the following areas:

- Ambient air quality;
- Ambient marine, estuarine and fresh water quality;
- The protection of amenity in relation to noise;
- General guidelines for assessment of site contamination;
- Environmental impacts associated with hazardous wastes; and
- The re-use and recycling of used materials.

Each NEPM is automatically adopted as a State Policy. The listed NEPMs are not considered applicable to the proposed rezoning and subdivision on the basis that they deal or relate to matters which will be unaffected by the proposal.

3 Section 32 of the Act

The following section addresses the requirements of section 32 of the Act.

3.1 Section 32(1)(e) of the Act

Section 32(1)(e) of the Act requires an amendment to a planning scheme, as far as practicable, must avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area. Accordingly,



the following section addresses potential land use conflicts that may arise as a result of the proposed rezoning.

Overall, it is not expected that any land use conflicts will be created as a result of the rezoning. In fact, it is considered that any actual or perceived land use conflicts will be reduced by the rezoning on the basis that the use classes allowable within the Port and Marine zone have the potential to generate greater impacts than uses that are permissible within the Local Business zone including:

- Manufacturing and processing (ship building, maritime equipment, maintenance and repair); and
- Service industry (maintenance, servicing and repair of boats and or ships);

The uses that are permissible within the Local Business zone will be in keeping with the broader East Devonport Village and broader East Devonport settlement area.

3.2 Section 32(1)(ea) of the Act

Section 32(1)(ea) of the Act specifies that an amendment to a planning scheme must not conflict with the requirements of Section 30O of the Act. The following table outlines the relevant sub-sections of 30O of the Act and a corresponding assessment of the merits of the proposed draft amendment against the sub-sections.

Section	Requirement
30O (1)	<p>An amendment may only be made to a local provision of a planning scheme, or to insert or remove a local planning provision from a planning scheme where it is consistent with the regional land use strategy for the area.</p> <p>Response</p> <p>An assessment against the CCRLUS has been provided within section 2.3 of the report.</p>
30O (2)	<p>An amendment to a planning scheme may only be made if:</p> <ul style="list-style-type: none"> a) the amendment would not be directly or indirectly inconsistent with common provisions or an overriding local provision; b) the amendment does not revoke or amend an overriding local provision; and c) the amendment would not create a conflicting local provision. <p>Response</p> <p>The common provisions within the Scheme are as follows:</p> <ul style="list-style-type: none"> • Planning Directive No 1 - the Format and Structure of Planning Schemes; • Planning Directive 4.1 - Standards for Residential Development in the General Residential Zone; and

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	<ul style="list-style-type: none"> Planning Directive No 5.1 - Bushfire-Prone Areas Code. <p>The application seeks to rezone the subject site from Port and Marine to Local Business which will enable the proposed retail complex to be assessed against the relevant standards and provisions of the Local Business zone. The proposed rezoning does not seek to amend or revoke a common provision or overriding local provision of the Scheme.</p>
30O (3)	<p>An amendment may only be made to a local provision if:</p> <ol style="list-style-type: none"> the amendment is to the effect that a common provision is not to apply to an area of land; a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land. <p>Response</p> <p>Aforementioned, the proposed rezoning will not interfere with any common provisions within the Scheme.</p>
30O (4)	<p>An amendment may not be made to a common provision of a planning scheme unless the common provision, as so amended, would not be inconsistent with a planning directive that requires or permits the provision to be contained in the planning scheme.</p> <p>Response</p> <p>No amendments to a common provision within the Scheme have been proposed.</p>
30O (5)	<p>An amendment to a planning scheme may be made if the amendment consists of:</p> <ol style="list-style-type: none"> taking an optional common provision out of the scheme; or taking the provision out of the scheme and replacing it with another optional common provision. <p>Response</p> <p>No amendments to a common provision within the Scheme have been proposed.</p>

3.3 Section 32(1)(f) of the Act

Section 32(1)(f) of the Act specifies that an amendment to a planning scheme must have regard to the impact that the use and development permissible under the amendment will have on use and development of the region as an entity in environmental, economic and social terms. Overall, it is not envisaged that the proposed rezoning will impact the region from an environmental, economic or social



perspective. Rather, it is expected that the proposed rezoning will contribute to, and be consistent with the land use priorities of the region as identified within the CCRLUS.

4 Devonport Interim Planning Scheme 2013

The following section provides an assessment of the proposed subdivision against the relevant sections of the Devonport Interim Planning Scheme 2013 (the Scheme). The assessment is based on the scenario of the Local Business zone applying to the subject site in order to demonstrate compliance with the Scheme.

4.1 Local Business Zone

It is proposed to rezone the subject site Port and Marine to Local Business. For the purposes of section 43A (2) of the Act, the assessment of the proposed subdivision is provided against the provisions of the Local Business zone.

4.1.1 Zone Purpose Statements

It is considered that the proposed retail complex is consistent with the purpose statements of the Local Business zone insofar as it will provide for retail services which will meet the convenience needs of the East Devonport settlement area.

4.1.2 Local Area Objectives

It is considered that the proposed retail complex is consistent with the local area objectives of the Local Business zone insofar as it will enhance the mixture and composition of retail services of a scale and character that is considered appropriate to the area and that will conveniently serve the immediate resident population and visitors to the locality.

4.1.3 Desired Future Character Statements

It is considered that the proposed retail complex is consistent with the desired future character statements of the Local Business zone insofar as:

- a. the retail complex will be in the form of a cluster of close-spaced buildings in both attached and detached configuration as evidenced by the site plan (Project No. 13.159 Drawing No. Ad02);
- b. both tenancy 1 and 2 are oriented to the frontage of Murray Street with tenancy 3 (supermarket) oriented to face the internal car park with some glazing elements located on the northern façade which faces the paved communal forecourt and further to Murray Street which will encourage pedestrian movement between the footpath and building;
- c. the supermarket is a general retail and hire use which will promote and encourage pedestrian activity from Murray Street as well as within the internal car parking area. The application seeks to acquire approval of the

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- vacant tenancies for general retail and hire uses to enable retail uses to move into the buildings once leases are secured;
- d. signage will be integrated into the building facades and elevation as a way of identifying the tenancies which will stimulate business activity;
 - e. the operating hours of the supermarket will be between 6:00am and 12:00pm 7 days per week. Given the separation from nearby sensitive uses it is not expected that there will be significant adverse impact on such uses (in addition to the port);
 - f. the retail complex provides a functional onsite car parking and vehicle circulation area which incorporates designated pedestrian footpaths throughout the parking and manoeuvring area and linkages between the Murray Street footpath and retail shop fronts;
 - g. a separate area including vehicular access and unloading for delivery of goods is located off the Norton Road frontage which is to the rear of the buildings which are oriented to the Murray Street frontage. Whilst the primary car parking area is located between the building facade of tenancy 1 and 2 and the Murray Street frontage, its presence is expected to be broken up by the retail tenancies in addition to being softened by site landscaping;
 - h. it is considered that the proposed retail complex will complement existing built form within the EDV which is characterised by a mixture of buildings constructed to frontages as well as being setback off from the frontage;
 - i. the separation of the proposed retail complex from nearby residential uses is expected to mitigate any adverse impacts from occurring to residential uses in terms of vehicle movements, noise and other nuisances and emissions. In addition, the proposed retail complex is expected to be relatively minor in the context of the broader environment of the locality which includes the Devonport port which generates high traffic volumes and noise emissions.

4.1.4 Local Business Zone Assessment

20.3.1 Discretionary permit use
Objective Use in this zone that is a discretionary permit use is to primarily service and support the routine requirements of the local resident and visitor population for convenience grocery and general retailing, personal care, refreshment, and basic business and professional services.
<i>Assessment against standard 20.3.1 is not applicable on the basis that the general retail and hire use that is applied for is identified as a permitted permit use within the Local Business zone.</i>
20.4.1 Suitability of a site or lot for use or development
Objective The minimum properties of a site and of each lot on a plan of subdivision are to –



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<p>a) provide suitable development area for the intended use;</p> <p>b) provide for access from a road; and</p> <p>c) make adequate provision for a water supply and for the drainage and disposal of sewage and stormwater.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>A site or each lot on a plan of subdivision must –</p> <ul style="list-style-type: none"> (a) have a site area of not less than 45m²; and (b) if intended for a building, contain a building area of not less than 45m² – <ul style="list-style-type: none"> (i) clear of any applicable setback from a frontage, side or rear boundary; (ii) clear of any applicable setback from a zone boundary; (iii) clear of any registered easement; (iv) clear of any registered right of way benefiting other land; (v) not including land required as part of access to the site; (vi) accessible from a frontage or access strip; and (vii) clear of any area required for the on-site disposal of sewage or stormwater. 	<p>P1</p> <p>A site or each lot on a plan of subdivision must be of sufficient area for the intended use or development without likely constraint or interference for –</p> <ul style="list-style-type: none"> (a) erection of a building if required by the intended use; (b) access to the site; (c) use or development of adjacent land; (d) a utility; and (e) any easement or lawful entitlement for access to other land.
<p>Acceptable Solution Assessment</p> <p><i>The proposed development involves the consolidation of 6 titles in addition to the construction of the retail complex. Assessment against the performance criteria is based upon the 6 titles being consolidated.</i></p> <p><i>The proposed subdivision (consolidation) complies with the acceptable solutions on the following grounds:</i></p> <ul style="list-style-type: none"> a) <i>the site area of the lot following the consolidation will be approximately 4,100m² in area which is greater than the minimum area of 45m²;</i> b) <i>it is intended to construct a building on the consolidated lot. It is evident from the size and dimensions of the consolidated lot that a building area of not less than 45m² is capable of being contained within the lot and meeting the following requirements:</i> <ul style="list-style-type: none"> i. <i>the required building area is capable of being situated in a position that complies with the relevant frontage, side and rear boundaries required by standard 20.4.5;</i> 	



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- ii. *the required building envelope is capable of being situated in a position that complies with the relevant setback from an adjoining zone required by standard 20.4.5;*
- iii. *the required building envelope is capable of being situated in a position that is clear of the sewer main which dissects the centre of the consolidated lot which is located perpendicular to the Norton Way and Murray Street frontages;*
- iv. *the consolidated lot will not have a registered right of way benefitting other land;*
- v. *the required building envelope is capable of being situated in a position that is clear of vehicular access to the site;*
- vi. *the required building envelope is capable of being situated in a position that is accessible from the frontages of Norton Way and Murray Street;*
- vii. *no on-site disposal of sewage or stormwater is required on the basis that the consolidated lot is capable of connecting to reticulated stormwater and sewage infrastructure.*

It is evident that the acceptable solution is capable of being met. Visual demonstration of compliance with the acceptable solution is provided within Drawing Ad01.

A2

A site or each lot on a subdivision plan must have a separate access from a road –

- (a) across a frontage over which no other land has a right of access; and
- (b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or
- (c) by a right of way connecting to a road –
 - i. over land not required as the means of access to any other land; and
 - ii. not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and
- (d) with a width of frontage and any access strip or right of way of not less than 3.6m; and
- (e) the relevant road authority in accordance with the Local Government (Highways) Act 1982 or the Roads and Jetties Act 1935 must have advised it is satisfied

P2

(a) A site must have a reasonable and secure access from a road provided –

- (i) across a frontage; or
- (ii) by an access strip connecting to a frontage, if for an internal lot; or
- (iii) by a right of way connecting to a road over land not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and
- (iv) the dimensions of the frontage and any access strip or right of way must be adequate for the type and volume of traffic likely to be generated by –
 - a. the intended use; and
 - b. the existing or potential use of any other land which requires use of the access as the means of access for that land; and
- (v) the relevant road authority in accordance with the Local Government (Highways) Act 1982



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adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.	<p>or the Roads and Jetties Act 1935 must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a subdivision plan; or</p> <p>(b) It must be unnecessary for the development to require access to the site or to a lot on a subdivision plan.</p>
<p>Acceptable Solution Assessment</p> <p><i>In response to the acceptable solutions, the following is observed:</i></p> <ul style="list-style-type: none"> a) the consolidated lot will have separate access from Norton Way to the south and Murray Street to the north over which no other land has a right of access; b) the consolidated lot will not be an internal lot; c) access to the consolidated lot is not required by a right of way connecting to a road; d) the width of each frontage is as follows: <ul style="list-style-type: none"> a. Norton Way: 100m b. Murray Street: 100m e) compliance with acceptable solution 20.4.1 (A2) (e) is sought by virtue of lodging the development application. <p><i>Accordingly, the acceptable solution is capable of being met.</i></p>	
<p>A3</p> <p>A site or each lot on a plan of subdivision must have a water supply –</p> <ul style="list-style-type: none"> (a) provided in accordance with the Water and Sewerage Industry Act 2008; or (b) from a rechargeable drinking water system R23 with a storage capacity of not less than 10,000 litres if– <ul style="list-style-type: none"> i. there is not a reticulated water supply; and ii. development is for a use with an equivalent population of not more than 10 people per day. 	<p>P3</p> <ul style="list-style-type: none"> (a) There must be a water supply available for the site or for each lot on a plan of subdivision with an adequate level of reliability, quality, and quantity to service the anticipated use of the site or the intended use of each lot on a plan of subdivision; or (b) It must be unnecessary to require a water supply.
<p>Acceptable Solution Assessment</p> <p><i>The consolidated lot is located within an area that is serviced by reticulated water infrastructure and is capable of having connections to a water supply provided in accordance with the Water and Sewerage Industry Act 2008. Therefore, acceptable solution 20.4.1 (A3) (a) is met.</i></p>	
A4	P4



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<p>A site or each lot on a plan of subdivision must drain sewage and liquid trade waste –</p> <p>(a) to a sewerage system provided in accordance with the Water and Sewerage Industry Act 2008; or</p> <p>(b) by on-site disposal if –</p> <p>i. sewage or liquid waste cannot be drained to a reticulated sewer system; and</p> <p>ii. the development</p> <p>a. provides for an equivalent population of not more than 10 people per day; or</p> <p>b. creates a total sewage and waste water flow of not more than 1,000l per day; and</p> <p>iii. the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZ 1547:2012 On-site domestic-wastewater management clear of any defined building area or access strip.</p>	<p>(a) A site or each lot on a plan of subdivision must drain and dispose of sewage and liquid trade waste –</p> <p>(i) in accordance with any prescribed emission limits for discharge of waste water;</p> <p>(ii) in accordance with any limit advised by the Tasmanian Environmental Protection Agency;</p> <p>(iii) without likely adverse impact for the health or amenity of the land and adjacent land;</p> <p>(iv) without compromise to water quality objectives for surface or ground water established under the State Policy on Water Quality Management 1997; and</p> <p>(v) with appropriate safeguards to minimise contamination if the use or development has potential to –</p> <p>a. indirectly cause the contamination of surface or ground water; or</p> <p>b. involve an activity or process which requires the use, production, conveyance or storage of significant quantities of sewage or liquid trade waste that may cause harm to surface or ground water if released through accident, malfunction, or spillage; or</p> <p>(b) It must be unnecessary to require arrangements for the drainage and disposal of sewage or liquid trade waste.</p>
<p>Acceptable Solution Assessment</p> <p><i>The consolidated lot is located within an area that is serviced by reticulated sewerage infrastructure and is capable of draining sewage via an appropriate connection to a sewerage system provided in accordance with the Water and Sewerage Industry Act 2008. Therefore, acceptable solution 20.4.1 (A4) (a) is met.</i></p>	



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<p>A5</p> <p>A site or each lot on a plan of subdivision must drain stormwater –</p> <p>(a) to a stormwater system provided in accordance with the Urban Drainage Act 2013;</p> <p>(b) if stormwater cannot be drained to a stormwater system –</p> <ol style="list-style-type: none"> for discharge to a natural drainage line, water body, or watercourse; or for disposal within the site if – <ol style="list-style-type: none"> the site has an area of not less than 5000m²; the disposal area is not within any defined building area; the disposal area is not within any area required for the disposal of sewage; the disposal area is not within any access strip; and not more than 50% of the site is impervious surface. 	<p>P5</p> <p>(a) A site or each lot on a plan of subdivision must drain and dispose of stormwater –</p> <ol style="list-style-type: none"> to accommodate the anticipated stormwater – <ol style="list-style-type: none"> currently entering from beyond its boundaries; and from the proposed development; without likelihood for concentration on adjacent land; without creating an unacceptable level of risk for the safety of life or for use or development on the land and on adjacent land; to manage the quantity and rate of discharge of stormwater to receiving waters; to manage the quality of stormwater discharged to receiving waters; and to provide positive drainage away from any sewer pipe, on-site sewage disposal system, or building area; or <p>(b) It must be unnecessary to require arrangements for the drainage and disposal of stormwater.</p>
<p>Acceptable Solution Assessment</p> <p><i>The consolidated lot is located within an area that is serviced by reticulated stormwater infrastructure and is capable of draining stormwater via an appropriate connection to a stormwater system provided in accordance Urban Drainage Act 2013. Therefore, acceptable solution 20.4.1 (A5) (a) is met.</i></p>	
<p>20.4.2 Location and configuration of development</p> <p>Objective</p> <p>The location and configuration of development is to –</p> <p>(a) provide for buildings, service activity and vehicle parking to accommodate local business use;</p>	



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<p>(b) provide for the facade of a building to remain the dominant architectural or visual element to the frontage; and</p> <p>(c) assist to attenuate likely impact on amenity of use on adjacent land.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Building height must not be more than 10.0m.</p>	<p>P1</p> <p>Building height must -</p> <ul style="list-style-type: none"> (a) minimise likelihood for overshadowing of a habitable room or a required minimum area of private open space in any adjacent dwelling; (b) minimise the apparent scale, bulk, massing and proportion relative to any adjacent building; (c) be consistent with the streetscape; (d) respond to the effect of the slope and orientation of the site.
<p>Acceptable Solution Assessment</p> <p>The proposed buildings will have the following heights:</p> <ul style="list-style-type: none"> • conjoined building (tenancy 1 and 2): 5.3m • detached building (supermarket): 6.8m <p>Accordingly, acceptable solution 20.4.2 (A1) is met.</p>	
<p>A2</p> <p>An external car parking and loading area, and any area for the display, handling, or storage of goods, materials or waste, must be located behind the primary frontage elevation of a building.</p>	<p>P2</p> <p>An external car parking and loading area, and any area for the display, handling, or storage of goods, materials or waste, must -</p> <ul style="list-style-type: none"> (a) not dominate the architectural or visual frontage of the site; (b) be consistent with the streetscape (c) be required by a constraint imposed by size, shape, slope, orientation, and topography on development of the site; and (d) provide durable screening to attenuate appearance of the parking or loading area from a frontage and adjacent land.
<p>Acceptable Solution Assessment</p> <p>In this case, the design and configuration of the proposed buildings will result in the primary car parking area and truck unloading area being located within the primary frontage of both Murray Street and Norton Way. Accordingly, assessment against the corresponding performance criteria is required.</p> <p>Performance Criteria Assessment</p>	

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It is considered that the proposed external car parking and loading areas achieve compliance with the performance criteria on the following basis:

- a) *the primary car parking area is not expected to dominate the architectural or visual frontage of the subject site based on the following grounds:*
 - i. *the main supermarket building will be a large structure approximately 1,245m² in area and 5.8m in height (when viewed from the Murray Street frontage) and will incorporate a mixture of materials and features including multi-coloured colourbond panelling, substantial glazing on the eastern and north-eastern façade and a large awning which has been continued around the northern façade of the building leading into the communal forecourt as an expressed architectural feature. In addition, the smaller building which will contain tenancies 1 and 2 will have an overall area of 475m² and height of 5.3m and will be oriented parallel with the Murray Street frontage and will comprise the same materiality and features of the main building. Together, the built form is expected to be the most prominent feature of the subject site which will draw attention away from the location of the car parking area;*
 - ii. *the primary car parking area will occupy approximately 59% of the length of the Murray Street frontage. However, the presence of the car parking area will be broken up by the vehicle accesses (ingress and egress), pedestrian access and footpaths and the presence of the built form which will occupy approximately 37% of the length of the subject site.*

With respect to the loading areas, the following is observed:

- i. *Norton Way is the primary route for heavy vehicles embarking and disembarking the Spirit of Tasmania. The land to the south of Norton Way is zoned Port and Marine and is utilised for maritime logistics activities. A vegetative buffer extends approximately 150m along Norton Way from the junction with Wright Street between the kerb and channelling and adjoining site boundaries to the south. The land to the north of Norton Way comprises the rear of buildings and properties which are oriented to face Murray Street to the north, in addition to the vacant land which is subject to this application. Accordingly, Norton Way is a non-active frontage when compared to the frontage of Murray Street which leads into the established urban area of the East Devonport Village;*
 - ii. *Each of the buildings will have a wall constructed to the southern boundary and the main heavy vehicle access, medium to large vehicle exit and loading areas will be located adjacent to the Norton Way frontage. The visual impact of the buildings when viewed from Norton Way is expected to be broken up by the indented setback of the buildings which corresponds with the truck unloading bays in addition to the separation distance between the site boundary and kerb and channelling of Norton Way which tapers from 18m to the east down to 5.3m to the west;*
- b) *It is considered that the location of car parking will be consistent with the established streetscape within the East Devonport Village by way of the following examples of similar car parking areas:*
- i. *15-27 Murray Street – 9 angled car parking spaces are located in front of the retail tenancies within the road reserve;*
 - ii. *18-20 Murray Street – 17 car parking spaces are located between the Wright Street frontage and the existing building;*



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iii. 62 Wright Street – 5 car parking spaces are located between the Wright Street frontage and the existing building.

c) In this instance, the consolidated lot (subject site) will have two frontages of equal length, being bound by Norton Way to the south and Murray Street to the north. Therefore, the subject site does not have a rear boundary. Subsequently, it is inevitable that car parking, loading bays and storage of materials and waste will be visible from one of the frontages. Accordingly, constraint on the location and design of the car parking and loading/unloading areas is imposed by the presence of two primary frontages;

d) Landscaping has been proposed between the car parking and frontage boundary which will soften the appearance of the car parking area when viewed from Murray Street.

20.4.3 Visual and acoustic privacy for residential development

Objective

The location and configuration of development to minimise likelihood for overlooking a habitable room, balcony, deck or roof garden in an adjacent dwelling.

Assessment against standard 20.4.3 is not applicable on the basis that no residential use or development is proposed.

20.4.4 Private open space for residential use

Objective

Private open space is to be available in development for residential use to meet the reasonable private and communal needs of residents for garden, recreation, service and storage purposes.

Assessment against standard 20.4.4 is not applicable on the basis that no residential use or development is proposed.

20.4.5 Setback from zone boundaries

Objective

Use or development of land adjoining land in another zone is to minimise –

- (a) likelihood for conflict, interference, and constraint between the use or development of land in the zone and sensitive use of land in an adjoining zone; and
- (b) unreasonable impact on the amenity of use on land beyond the boundaries of the zone.

Acceptable Solutions

Performance Criteria

A1

Development of land with a boundary to a zone must –

- (a) be setback from the boundary of land in an adjoining zone by not less than the distance for that zone shown in the Table to this Clause;
- (b) not include within the setback area required from a boundary to land in a zone shown in the Table to this Clause

P1

The location of development must –

- (a) minimise likelihood for conflict, constraint or interference from sensitive use on land in an adjoining zone; and
- (b) minimise likely impact on the amenity of the sensitive use on land in an adjoining zone.

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<ul style="list-style-type: none"> i. a building or work; ii. vehicular or pedestrian access from a road if the boundary is not a frontage; iii. vehicle loading or parking area; iv. an area for the display, handling, operation, manufacturing, processing, servicing, repair, or storage of any animal, equipment, goods, plant, materials, vehicle, or waste; v. an area for the gathering of people, including for entertainment, community event, performance, sport or for a spectator facility; vi. a sign orientated to view from land in another zone; or vii. external lighting for operational or security purposes; and <p>(c) a building with an elevation to a zone boundary to which this clause applies must be contained within a building envelope determined by –</p> <ul style="list-style-type: none"> i. the setback distance from the zone boundary as shown in the Table to this Clause; and ii. projecting upward and away from the zone boundary at an angle of 45° above the horizontal from a wall height of 3.0m at the setback distance from the zone boundary; and <p>(d) the elevation of a building to a zone boundary must not contain an external opening other than an emergency exit, including a door, window to a habitable room, loading bay, or vehicle entry.</p>	
<p>Acceptable Solution Assessment</p> <p><i>In response to the acceptable solutions, the following is observed:</i></p>	

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a) *the subject site does not adjoin a listed zone within table to clause 20.4.5 (A1). Therefore, sub-clauses (a), (b) and (c) are not applicable to the assessment;*

b) *the western elevation of the main building will not contain an external opening.*

Accordingly, the acceptable solution is met.

20.4.6 Subdivision

Objective

The division and consolidation of estates and interests in land is to create lots that are consistent with the purpose of the Local Business zone.

Acceptable Solutions

Performance Criteria

A1

Each new lot on a plan of subdivision must be –

- (a) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority.

P1

Each new lot on a plan of subdivision must be –

- (a) for a purpose permissible in the zone.

Acceptable Solution Assessment

The proposed subdivision for the purposes of consolidating the 6 land titles is not required for public use. Accordingly, assessment against the corresponding performance criteria is required.

Performance Criteria Assessment

In this instance, the proposed subdivision will facilitate the construction of a purpose-built retail complex, the purpose of which will be for General Retail and Hire uses which are permitted within the zone. Therefore, the performance criteria is met.

20.4.7 Reticulation of an electricity supply

Objective

Distribution and connection of reticulated electricity supply is to be without visual intrusion on the streetscape.

Acceptable Solutions

Performance Criteria

A1

Electricity reticulation and site connections must be installed underground.

P1

It must not be impractical, unreasonable, or unnecessary to install electricity reticulation and site connections underground.

Acceptable Solution Assessment

Electricity reticulation can be provided underground which can form a condition of any permit.

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4.2 Code Assessment

E1.0 Bushfire Prone Areas Code	
The Bushfire Prone Areas Code is not applicable to the development application on the basis that the subject site is not located within a bushfire prone area.	
E2.0 Airport Impact Management Code	
The Airport Impact Management Code is not applicable to the development application on the basis that the subject site is not located within or adjacent to the Devonport airport.	
E3.0 Clearing and Conversion of Vegetation Code	
The proposed development involves the removal of native tree species (boobialla – <i>Myoporum insulare</i> and blackwood – <i>Acacia melanoxylon</i>). Accordingly, the Clearing and Conversion of Vegetation Code is applicable to the assessment pursuant to clause E3.2.2 (b).	
E3.6.1 Protection of a threatened native vegetation community or native vegetation providing habitat for a threatened species	
Objective	
The clearing and conversion of native vegetation is to minimise likely adverse impact on biodiversity, ecological process, and habitat value.	
Acceptable Solutions	Performance Criteria
A1	P1
<p>(a) Vegetation must not be any of the following –</p> <ul style="list-style-type: none"> i. a threatened native vegetation community; ii. contain threatened flora or be threatened fauna habitat; or iii. be within 30m of a water body, watercourse, wetland, or coastal shoreline; or <p>(b) the removal or destruction of any rare or threatened species or rare or threatened communities protected under state or commonwealth legislation must not occur unless authorised by the appropriate agency.</p>	<p>The harvesting of timber or the clearing and conversion of native vegetation must –</p> <ul style="list-style-type: none"> (c) be justified by exceptional circumstance; or (d) be necessary to deliver an overriding environmental benefit for the region; and (e) be unlikely to have adverse effect on – <ul style="list-style-type: none"> i. value of the habitat for a species managed under the Threatened Species Protection Act 1995 or the Nature Conservation Act 2002; ii. ability to contribute to the Tasmanian comprehensive, adequate, and representative vegetation conservation reserve system; or iii. value of shoreline vegetation for water quality management; and (f) have regard to any advice or decision of the relevant entity for applicable native vegetation or wildlife protection and conservation for –

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	<ul style="list-style-type: none"> i. impact of the use or development on the objectives and outcomes for protection and conservation of native vegetation and wildlife; and ii. any condition or requirement for protection or conservation of a threatened native vegetation community or of vegetation providing threatened species habitat.
Acceptable Solution Assessment <i>In this instance, the vegetation species are not identified as rare or threatened and are not part of a threatened community. Therefore, the acceptable solutions are met.</i>	
E3.6.2 Clearing of vegetation on land of scenic or landscape value	
Objective The clearing and conversion of vegetation is to minimise likely adverse impact on scenic or landscape value – <ul style="list-style-type: none"> a) on land in the Environmental Living, Environmental Management, Open Space or Rural Living zones; or b) on land identified on the planning scheme map as significant for scenic or landscape value. 	
<i>Standard E3.6.2 is not applicable to the assessment on the basis that the subject site is not located within the identified zones and is not subject to a scenic or landscape overlay.</i>	
E3.6.3 Clearing of vegetation on land susceptible to landslide	
Objective The clearing and conversion of vegetation on land in a landslide hazard area to which Code E6 – Hazard Management applies under this planning scheme is to minimise risk for activating a landslide.	
<i>Standard E3.6.3 is not applicable to the assessment on the basis that the subject site is not located in an area that is subject to a landslide hazard pursuant to Code E6 – Hazard Management.</i>	
E4.0 Change in Ground Level Code	
The proposed development will result site fill. Therefore, assessment against the Change in Ground Level Code is required.	
E4.6.1 Change in existing ground level or natural ground level.	
Objective Change in the existing ground level or the natural ground level by cut or fill is to minimise – <ul style="list-style-type: none"> a) likely adverse impact on the physical, environmental, cultural, aesthetic, and amenity features of land; and b) risk from a natural hazard. 	
Acceptable Solutions	Performance Criteria
A1	P1



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Cut or fill must -	Cut or fill must -
<ul style="list-style-type: none"> (a) not be on land within the Environmental Living zone or the Environmental Management zone; (b) be required to – <ul style="list-style-type: none"> i. provide a construction site for buildings and structures; ii. facilitate vehicular access; iii. mitigate exposure to a natural or environmental hazard; iv. facilitate provision of a utility; v. assist the consolidation or intensification of development; or vi. assist stormwater management. (c) not result in a modification of surface stormwater water flow to increase – <ul style="list-style-type: none"> i. surface water drainage onto adjacent land; ii. pooling of water on the site or on adjacent land; or iii. the nature or capacity of discharge from land upstream in a natural or artificial drainage channel; (d) not destabilise any existing building or increase the requirements for construction of any potential building on adjacent land; (e) manage disposal of intersected ground water; (f) safeguard the quality of receiving waters through measures to minimise erosion and release of sediments and other contaminants during each of the site preparation, construction and rehabilitation phase in accordance with Soil and Water Management on Building and Construction Sites 2009; 	<ul style="list-style-type: none"> (a) make arrangements for the drainage and disposal of stormwater; (b) make arrangements to stabilise any existing building or to increase the requirements for construction of any potential building on adjacent land; (c) manage drainage and disposal of intersected ground water; (d) safeguard the quality of receiving waters; (e) not require a retaining or support structure that would result in an area of influence within the boundary of adjacent land unless the owner of adjacent land has provided written consent to enter into an agreement under Part 5 Land Use Planning and Approvals Act 1993 registered on the title of adjacent land providing for the level of constraint; and (f) not encroach upon or expose, disturb, or reduce cover over an underground utility to less than 1.0m unless the relevant regulatory entity has advised – <ul style="list-style-type: none"> i. it is satisfied the cut or fill will not result in harm to the utility; and ii. any condition or requirement it determines are appropriate to protect the utility.

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<p>(g) Not require a retaining or support structure that would result in an area of influence within the boundary of adjacent land; and</p> <p>(h) not encroach upon or expose, disturb, or reduce cover over an underground utility to less than 1.0m unless the relevant regulatory entity has advised –</p> <ol style="list-style-type: none"> i. it is satisfied the cut or fill will not result in harm to the utility; and ii. any condition or requirement it determines are appropriate to protect the utility. 	
<p>Acceptable Solution Assessment</p> <p><i>In response to the acceptable solutions, the following is observed:</i></p> <ol style="list-style-type: none"> a) the subject site is not zoned Environmental Living or Environmental Management; b) the earthworks are required in order to provide a level foundation to facilitate the construction of the proposed buildings and associated site infrastructure; c) the proposed earthworks will be covered with building and/or hardstand area which will be connected into the reticulated stormwater system. Accordingly, the proposed earthworks will not increase surface water drainage onto adjacent land, pooling of water within the site or on adjacent land and will not affect natural or artificial drainage channels; d) the structures supporting the fill will be incorporated to the main building which will be structurally engineered to ensure no adjoining buildings will be impacted upon; e) the earthworks will merely scrape away topsoil and will not be deep enough to intersect ground water; f) all built form and hardstand areas will be drained to the reticulated public stormwater system which will ensure receiving waters are safe guarded; g) all bearing pressure as a result of the building which will be located above the fill area will be directed below natural surface level through engineered footings. Accordingly, an area of influence will not be created on the adjacent land to the west; h) all significant cut and fill will be located in excess of 1 m from an underground utility. <p><i>Therefore, the acceptable solutions have been met.</i></p>	
<p>E5.0 Local Heritage Code</p>	
<p>The Local Heritage Code is not applicable to the development application on the basis that the subject site is not identified as a heritage listed site and is not located within a conservation area.</p>	
<p>E6.0 Hazard Management Code</p>	
<p>The Hazard Management Code is not applicable to the development application on the basis that the subject site is not located within a coastal inundation, coastal erosion or recession, potentially contaminated, flooding or landslip mapped area.</p>	



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E7.0 Signs Code	
E7.6 Development Standards	
Objective	
Signs –	
(a) may be an integrated element of development on a site; and (b) must not have adverse effect for – <ol style="list-style-type: none"> the convenience and safety of people and property, including of any road, rail, air or marine transport system; amenity and character of any rural, urban or conservation setting; or the conservation and protection of any special value identified in a provision forming part of this planning scheme. 	
Acceptable Solutions	Performance Criteria
A1	P1
Signs must –	A sign must be reasonable taking into account –
(a) identify an activity, product, or service provided on the site; (b) if on a site in a General Residential, Low Density Residential, Rural Living; or Environmental Living zone, must – <ol style="list-style-type: none"> comprise not more than 2 display panels; be fixed flat to the surface of a building below the eave line; and have a total combined area of not more than 5.0m²; (c) if on a site in any other zone, must – <ol style="list-style-type: none"> comprise not more than 5 display panels; have a total combined area of not more than 50.0m²; be separated from any other freestanding or projecting sign by not less than 10.0m; be fully contained within the applicable building envelope and – <ol style="list-style-type: none"> not extend above the parapet or the ridge of a roof; or 	(a) whether the sign relates to an activity, product or service provided on the site; (b) nature of development on the site; (c) purpose, location, number, size, style, and configuration of any existing and approved sign on the site and on adjacent land; (d) whether likely to be visually dominant or intrude on the appearance of the site or the streetscape; (e) whether likely to obscure the visibility of other signs in the locality; (f) whether visible beyond the immediate locality; (g) whether likely to impact on operational efficiency and safety of a railway, road, navigable water, or controlled air space in accordance with the advice and any requirement of the relevant regulatory entity; (h) whether likely to impact on the amenity of a habitable room or private open space in a residential development; and (i) the necessity for the sign to be located on the site having regard for: <ol style="list-style-type: none"> proximity of the service or business being promoted to the sign location;



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<p>b. if a free-standing sign, have a height above natural ground level of not more than 5.0m;</p> <p>v. not involve a corporate livery, colour scheme, insignia or logo applied to more than 25% of the external wall surface of each elevation of a building;</p> <p>vi. not be located in an access strip, loading area, or car park;</p> <p>vii. not be animated, scrolling or otherwise continuously or intermittently changing, flashing or rotating as a part of the operation of the sign unless providing advisory or safety information;</p> <p>viii. not resemble any air or marine navigation device, or a railway or road traffic control or directional device or sign;</p> <p>ix. not visually obscure any sign or device required for the convenience and safety of air or marine navigation or for use of a railway or a road; and</p> <p>x. not cause illumination that overspills the boundaries of the site; and</p> <p>(d) not be on land for which a Local Heritage Code forming part of this planning scheme applies.</p>	<p>ii. proximity of other signage for the same business or service;</p> <p>iii. ability to identify the business or service through other means; and</p> <p>iv. flow of traffic past the sign and its likely destination.</p>
<p>Acceptable Solution Assessment</p> <p><i>It is proposed to install 9, 6m by 2m wall signs, on selected elevations of the supermarket and tenancy buildings in addition to installing a blade sign at the primary vehicular entrance to the site off Murray Street. The blade sign will be approximately 5.8m in height and 2.5m in width.</i></p> <p><i>Due to the number and combined area of the signs proposed, acceptable solutions (c) (i and ii) are unable to be met. Therefore, assessment against the corresponding performance criteria is required.</i></p> <p>Performance Criteria Assessment</p> <p><i>It is considered that the proposed signage is reasonable for the proposed use and development, with respect to the performance criteria, on the following basis:</i></p>	

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- a) *all proposed signage relates directly to the retail activity which will be provided on the site by way of branding for each business and locational/directional purposes for customers;*
- b) *the proposed signage is considered to be compatible with the proposed use which is for a retail complex. The proposed signage will be typical of many similar retail facilities throughout Devonport and broader north-west region;*
- c) *there is no existing signage on the subject site. It is considered that the signage will be consistent with the existing business signage in terms bulk, scale, type and siting;*
- d) *the proposed wall signs will be attached to their respective elevations which are setback from the frontages of Murray Street and Norton Way which will reduce their prominence within the streetscape. Furthermore, the blade sign will be the only sign of its type located on the subject property and is not expected to contribute to the visual cluttering of Murray Street or detract from the East Devonport Village;*
- e) *the location of each sign will not obscure the visibility of other signs along Murray Street including directory, statutory and community information signs;*
- f) *the proposed wall signs will not protrude above the walls/buildings that they will be attached to. Furthermore, the blade sign will be no higher than the highest building to be constructed. Accordingly, the proposed signage is not expected to be visible beyond the immediate locality of the East Devonport Village and broader settlement area;*
- g) *all signage will be located within the boundaries of the subject site. Accordingly, the signage will not impact on the operational efficiency and safety of Murray Street or Norton Way;*
- h) *the subject property does not adjoin residential use or development for it to impact upon adjoining or nearby residential amenity;*
- i) *the signs are considered to be reasonable and necessary on the basis that they each serve a separate tenancy and will be oriented towards the Murray Street and Norton Way frontages in order to provide destination branding for the respective roads.*

E8.0 Telecommunications Code

The Telecommunications Code is not applicable to the development on the basis that no telecommunications facilities are proposed.

E9.0 Traffic Generating Use and Parking Code**E9.5.1 Provision for parking****Objective**

Provision is to be made for convenient, accessible, and useable vehicle parking to satisfy requirements for use or development without impact for use or development of other land or for the safety and operation of any road.

Acceptable Solutions**Performance Criteria****A1**

Provision for parking must be –

- (a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;

P1

- (a) It must be unnecessary or unreasonable to require arrangements for the provision of vehicle parking; or
- (b) Adequate and appropriate provision must be made for vehicle parking to meet –



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	<ul style="list-style-type: none"> i. anticipated requirement for the type, scale, and intensity of the use; ii. likely needs and requirements of site users; and iii. likely type, number, frequency, and duration of vehicle parking demand.
<p>Acceptable Solution Assessment</p> <p>Table E9.1 requires 1 car parking space per 30m² of gross floor area for shops. A total of 1,720m² of gross floor area is proposed. Therefore, a total of 58 car parking spaces are required to be provided by the retail use and development. In this instance, 38 car parking spaces are proposed in addition to 2-3 caravan and campervan parking spaces (depending on vehicle size and positioning). Conservatively, the proposed use and development is deficient in 18 parking spaces. Therefore, assessment against the corresponding performance criteria is required.</p> <p>Performance Criteria Assessment</p> <p>With respect to performance criteria (b) the following is observed:</p> <p>a) Midson Traffic Pty Ltd was engaged to investigate traffic impacts and car parking supply and demand for the proposed retail use and development. The assessment concluded that the proposed retail use and development would generate approximately 2,082 vehicle movements per day with 215 vehicle movements per day during peak periods. The assessment noted that many of the vehicle movements are likely to be 'shared trips' particularly given the presence of the Spirit of Tasmania terminal and mixed uses within the East Devonport Village.</p> <p>Specifically, the assessment identified that the shortfall of 18 car parking spaces could be accommodated within the surrounding area through the provision of (time-restricted) on-street and public off-street car parking areas in addition to the application of shared car parking principles which are pertinent to the proposed retail use and development.</p> <p>Overall, the assessment concluded that the proposed retail use and development could be supported on traffic and car parking grounds. A copy of the Traffic Impact Assessment is contained within Appendix C.</p>	
E9.5.2 Provision for loading and unloading of vehicles	
<p>Objective</p> <p>Provision is made for conveniently located and accessible areas for the loading and unloading of goods and materials and for the pick-up and set-down of passengers from vehicles.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>There must be provision within a site for -</p> <ul style="list-style-type: none"> (a) on-site loading area in accordance with the requirement in the Table to this Code; and 	<p>P1</p> <ul style="list-style-type: none"> (a) It must be unnecessary or unreasonable to require arrangements for loading and unloading of vehicles; or

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(b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of 1 space for every 50 parking spaces.	(b) Adequate and appropriate provision must be made for the loading and unloading of vehicles to meet– i. likely volume, type and frequency of vehicles associated with the delivery and collection of goods and passengers; and ii. likely frequency and duration of requirements for delivery and collection of goods or people.
<p>Acceptable Solution Assessment</p> <p>Table E9.1 requires 1 small truck parking space per 400m² of gross floor area and 1 articulated truck parking space for supermarkets. In this instance, 1 supermarket is proposed in addition to two smaller retail tenancies with a combined gross floor area of 475m². Accordingly, 1 articulated truck parking spaces and 1 small truck parking space are required to be provided.</p> <p>In this case, 2 truck parking spaces are provided both of which can accommodate articulated trucks or smaller trucks and freight vehicles. Accordingly, acceptable solution (a) is met.</p> <p>In response to acceptable solution (b), less than 50 car parking spaces will be provided for the retail use. Therefore, the provision is not applicable to the assessment.</p>	
E9.5.3 Devonport local area parking scheme	
<p>Objective</p> <p>The provision of parking on land to which the Devonport local area parking scheme applies is without impact on performance and sustainability of the Scheme.</p>	
<p>Standard E9.5.3 is not applicable to the development application on the basis that the subject site is not located within the Devonport local area planning scheme area.</p>	
E9.6.1 Design of vehicle parking and loading areas	
<p>Objective</p> <p>Vehicle circulation, loading, and parking areas–</p> <p>(a) protect the efficient operation and safety of the road from which access is provided; (b) promote efficiency, convenience, safety, and security for vehicles and users; and (c) provide an appropriate layout and adequate dimension to accommodate passenger or freight vehicle associated with use of the site.</p>	
Acceptable Solutions	Performance Criteria
<p>A1.1</p> <p>All development must provide for the collection, drainage and disposal of stormwater; and</p> <p>A1.2</p> <p>Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –</p>	<p>P1</p> <p>The layout and construction of a vehicle parking area, loading area, circulation aisle, and manoeuvring area must be adequate and appropriate for –</p> <p>(a) the nature and intensity of the use; (b) effect of size, slope and other physical characteristics and conditions of the site;</p>



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<p>(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities - Off Street Car Parking;</p> <p>(b) Be in accordance with AS/NZS2890.2 (2002) Parking Facilities - Off Street Commercial Vehicles;</p> <p>(c) Be in accordance with AS/NZS 2890.3 1993) Parking Facilities – Bicycle Parking Facilities;</p> <p>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities - Off Street Parking for People with Disabilities;</p> <p>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</p> <p>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and</p> <p>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</p>	<p>(c) likely volume, type, and frequency of vehicles accessing the site;</p> <p>(d) likely demand and turnover for parking;</p> <p>(e) delivery and collection vehicles;</p> <p>(f) familiarity of users with the vehicle loading and vehicle parking area;</p> <p>(g) convenience and safety of access to the site from a road;</p> <p>(h) safety and convenience of internal vehicle and pedestrian movement;</p> <p>(i) safety and security of site users; and</p> <p>(j) the collection, drainage, and disposal of stormwater.</p>
<p>Acceptable Solution Assessment</p> <p><i>In response to the acceptable solutions, the following is observed:</i></p> <p>a) <i>the car parking area inclusive of pedestrian footpaths and loading and unloading areas will be constructed in a manner that will enable stormwater runoff to be drained into the public stormwater system;</i></p> <p>b) <i>the proposed car parking layout complies with the requirements of:</i></p> <p style="margin-left: 40px;">i. AS/NZS 2890.1 (2004) – Parking Facilities - Off Street Car Parking;</p> <p style="margin-left: 40px;">ii. AS/NZS2890.2 (2002) Parking Facilities - Off Street Commercial Vehicles;</p> <p style="margin-left: 40px;">iii. AS/NZS 2890.6 Parking Facilities - Off Street Parking for People with Disabilities;</p> <p>c) <i>A condition can be applied to the permit requiring bicycle parking spaces to be provided in accordance with AS/NZS 2890.3 1993) Parking Facilities – Bicycle Parking Facilities.</i></p>	
<p>A2</p> <p>Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the</p>	<p>P2</p> <p>Design of internal access roads and vehicle circulation, movement and standing areas for permitted use on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be adequate and appropriate for the likely type, volume, and frequency of traffic</p>

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current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB	
Acceptable Solution Assessment	
<i>The subject site is not located within the listed zones. Therefore, the provision is not applicable to the assessment.</i>	
E10.0 Water and Waterways Code	
The Water and Waterways Code is not applicable to the development application on the basis that the subject site is located approximately 170m from the bank of the nearest water body (Mersey River).	
E11.0 Devonport Reserved Residential Land Code	
The Devonport Reserved Residential Land Code is not applicable to the assessment on the basis that the subject site is not located within a reserve area.	
Part F – Specific Area Plans	
The subject site is not located within an area that is controlled by a specific area plan.	

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5 Conclusion

This application requests that the land located at 2-12 Murray Street, East Devonport be rezoned from Port and Marine to Local Business in order to facilitate a new purpose built retail complex within the East Devonport Village.

The preceding report has demonstrated that the proposed rezoning of land is consistent with the:

- common and local provisions of the Scheme;
- objectives set out in Schedule 1 of the Act;
- State Policies;
- Cradle Coast Regional Land Use Strategy; and
- *Gas Pipelines Act 2000*.

In addition, the proposed retail complex development has demonstrated compliance with the applicable standards of the Scheme if the amendment were in place. On this basis, it is considered that the combined permit and amendment to the Scheme can be supported.



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At: 2-12 MURRAY STREET
EAST DEVONPORT

Project: 13.159

Drawings:

- Ad01 EXISTING SITE PLAN
- Ad02 SITE PLAN
- Ad03 FLOOR PLAN - SUPERMARKET
- Ad04 FLOOR PLAN - TENANCIES
- Ad05 ELEVATIONS - SUPERMARKET
- Ad06 ELEVATIONS - TENANCIES
- Ad07 SECTIONS - SUPERMARKET
- SECTIONS - TENANCIES

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PROJECT
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2-12 MURRAY STREET
EAST DEVONPORT

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SUPERMARKET

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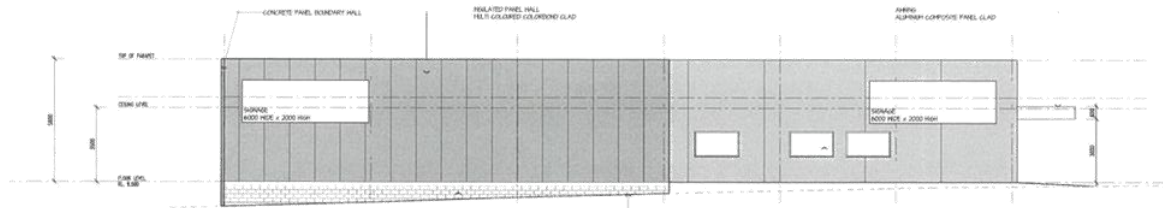
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PROJECT: RETAIL COMPLEX
2-12 MURRAY STREET
EAST DEVONPORT

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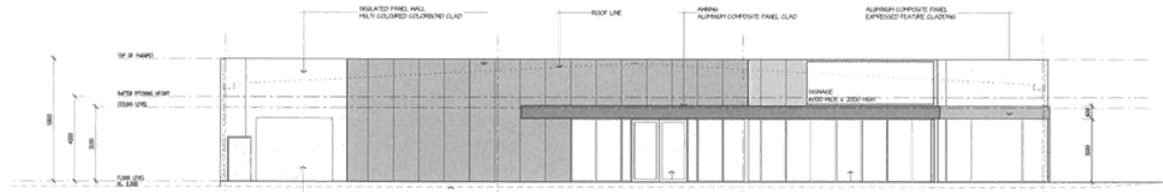
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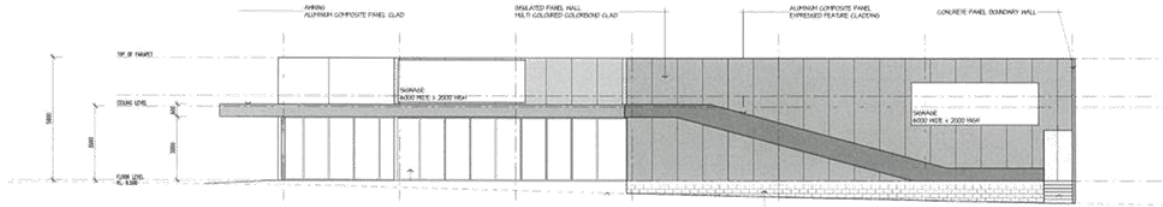
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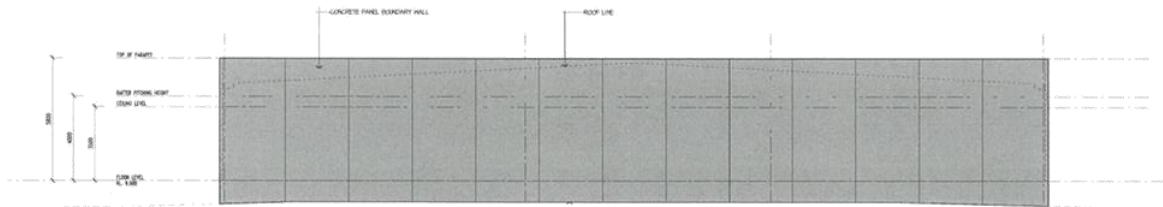
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NORTH ELEVATION SUPERMARKET

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WEST ELEVATION SUPERMARKET

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PROJECT
RETAIL COMPLEX
2-12 MURRAY STREET
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RETAILERS
ELEVATIONS - TENANCIES

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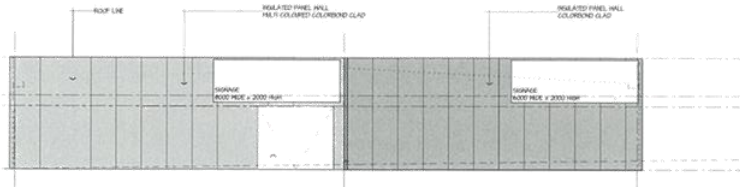
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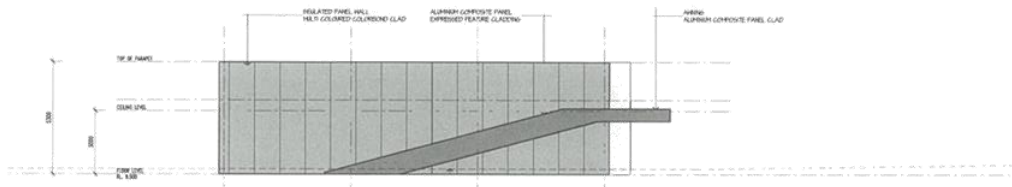
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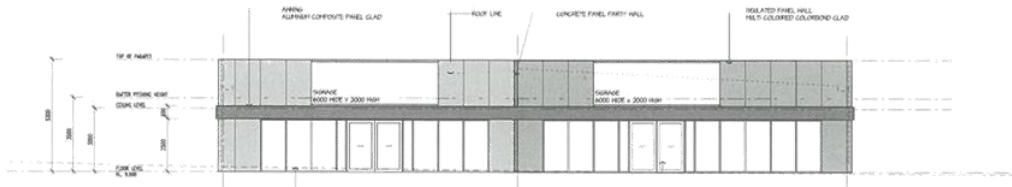
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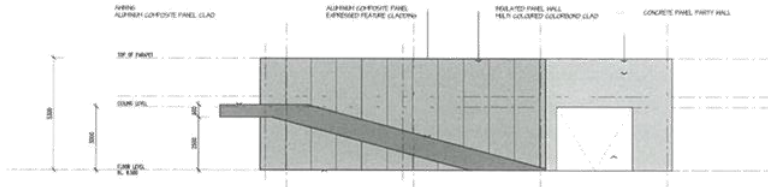
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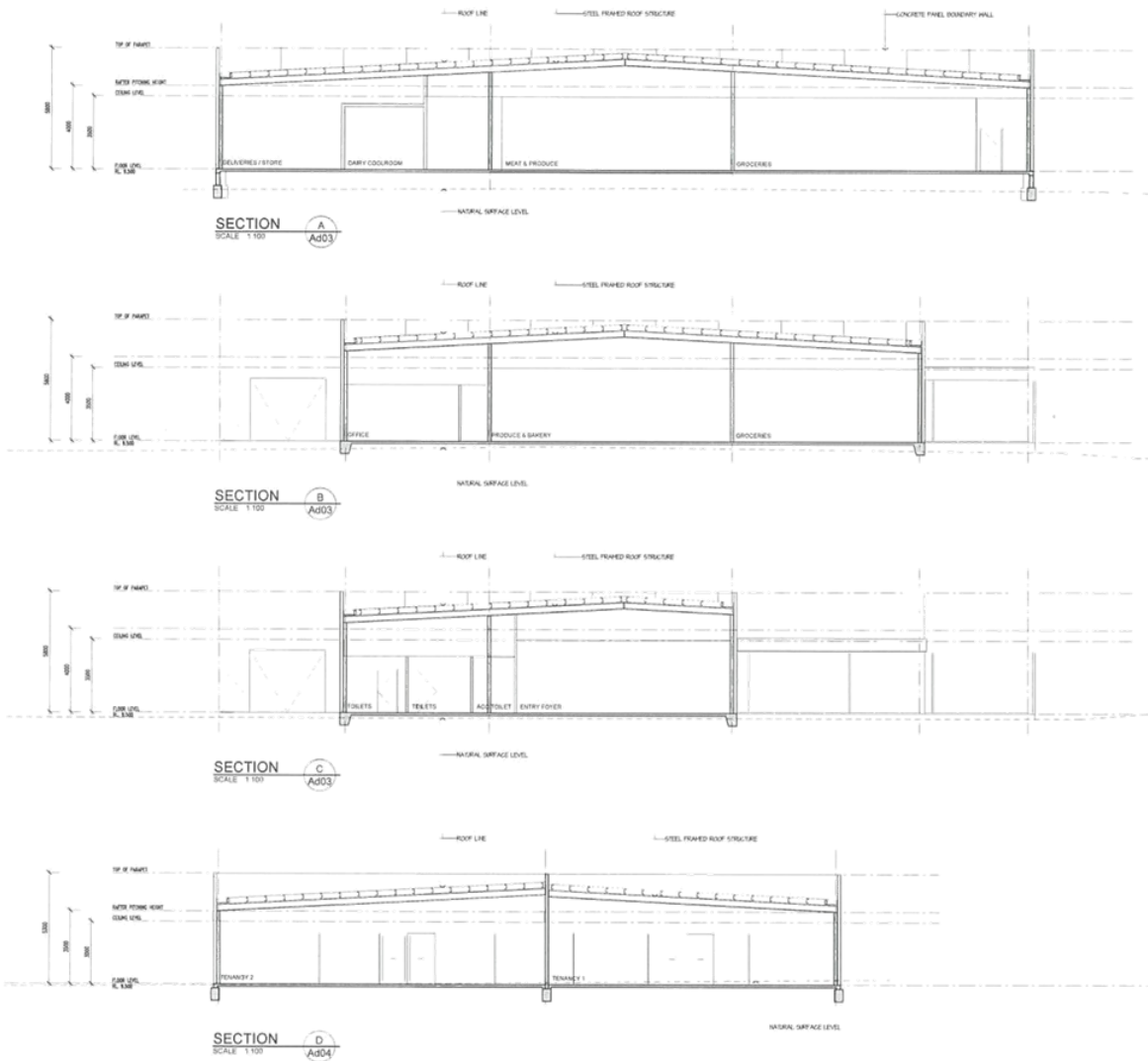
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SECTIONS - SUPERMARKET
SECTIONS - TENANCIES

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**2-12 Murray St East Devonport
Retail Development
Traffic Impact Assessment**

May 2017





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1. Introduction

1.1 Background

Midson Traffic were engaged by 6ty to prepare a traffic impact assessment for a proposed retail development at 2-12 Murray Street, East Devonport.

1.2 Traffic Impact Assessment (TIA)

A traffic impact assessment (TIA) is a process of compiling and analysing information on the impacts that a specific development proposal is likely to have on the operation of roads and transport networks. A TIA should not only include general impacts relating to traffic management, but should also consider specific impacts on all road users, including on-road public transport, pedestrians, cyclists and heavy vehicles.

This TIA has been prepared in accordance with the Department of State Growth (DSG) publication, *A Framework for Undertaking Traffic Impact Assessments*, September 2007. This TIA has also been prepared with reference to the Austroads publication, *Guide to Traffic Management*, Part 12: *Traffic Impacts of Developments*, 2009.

Land use developments generate traffic movements as people move to, from and within a development. Without a clear understanding of the type of traffic movements (including cars, pedestrians, trucks, etc), the scale of their movements, timing, duration and location, there is a risk that this traffic movement may contribute to safety issues, unforeseen congestion or other problems where the development connects to the road system or elsewhere on the road network. A TIA attempts to forecast these movements and their impact on the surrounding transport network.

A TIA is not a promotional exercise undertaken on behalf of a developer; a TIA must provide an impartial and objective description of the impacts and traffic effects of a proposed development. A full and detailed assessment of how vehicle and person movements to and from a development site might affect existing road and pedestrian networks is required. An objective consideration of the traffic impact of a proposal is vital to enable planning decisions to be based upon the principles of sustainable development.

This TIA also addresses E9, *Traffic Generating Use and Parking Code*, of the Devonport Interim Planning Scheme, 2013.

1.3 Statement of Qualification and Experience

This TIA has been prepared by an experienced and qualified traffic engineer in accordance with the requirements of Council's Planning Scheme and The Department of State Growth's, *A Framework for Undertaking Traffic Impact Assessments*, September 2007, as well as Council's requirements.

The TIA was prepared by Keith Midson. Keith's experience and qualifications are briefly outlined as follows:



- 21 years professional experience in traffic engineering and transport planning.
- Master of Transport, Monash University, 2006
- Master of Traffic, Monash University, 2004
- Bachelor of Civil Engineering, University of Tasmania, 1995
- Engineers Australia: Fellow (FIEAust); Chartered Professional Engineer (CPEng); Engineering Executive (EngExec); National Engineers Register (NER)

Keith is a Director of the traffic engineering, transport planning and road safety company, Midson Traffic Pty Ltd. He is also a Teaching Fellow at Monash University, where he teaches and coordinates the subject 'Road Safety Engineering' as part of Monash's postgraduate program in traffic and transport. Keith is also an Honorary Research Associate with the University of Tasmania, where he lectures the subject 'Transportation Engineering' in the undergraduate civil engineering program as well as supervising several honours projects each year.

1.4 Project Scope

The project scope of this TIA is outlined as follows:

- Review of the existing road environment in the vicinity of the site and the traffic conditions on the road network.
- Provision of information on the proposed development with regards to traffic movements and activity.
- Identification of the traffic generation potential of the proposal with respect to the surrounding road network in terms of road network capacity.
- Review of the parking requirements of the proposed development. Assessment of this parking supply with Planning Scheme requirements.
- Traffic implications of the proposal with respect to the external road network in terms of traffic efficiency and road safety.

1.5 Subject Site

The subject site is located at 2-12 Murray Street, East Devonport. The site is located immediately opposite the Spirit of Tasmania ferry terminal on Murray Street.

The subject site and surrounding road network is shown in Figure 1.



Figure 1 Subject Site & Surrounding Road Network



Source: LIST Map, DPIPW

1.6 Reference Resources

The following references were used in the preparation of this TIA:

- Devonport Interim Planning Scheme, 2013 (Planning Scheme)
- Austroads, *Guide to Traffic Management*, Part 12: *Traffic Impacts of Developments*, 2009
- Austroads, *Guide to Road Design*, Part 4A: *Unsignalised and Signalised Intersections*, 2009
- Department of State Growth, *A Framework for Undertaking Traffic Impact Assessments*, 2007
- Roads & Maritime Services NSW, *Guide to Traffic Generating Developments*, 2002 (RMS Guide)
- Roads & Maritime Services NSW, *Updated Traffic Surveys*, 2013 (Updated RMS Guide)
- Australian Standards, AS2890.1, *Off-Street Parking*, 2004 (AS2890.1:2004)



2. Existing Conditions

2.1 Transport Network

For the purpose of this report, the transport network consists of Murray Street, Esplanade, Norton Way and Wright Street.

Murray Street, Esplanade and Norton Way form a 'U' shaped road network connecting to Wright Street at their eastern end. The intersection of Wright Street and Murray Street is a 24m diameter roundabout.

Murray Street provides passenger vehicle access to the Spirit of Tasmania ferry terminal. Between Wright Street and the Spirit Terminal access, Murray Street is a small strip shopping centre, with traffic calming in the form of tree plantings and painted strip slow points. On-street parking is provided as parallel spaces on the southern side and a combination of parallel and angle parking on the northern side. Murray Street from the subject site is shown in Figure 2.

Wright Street is a collector road that provides north-south connectivity through East Devonport. Wright Street is shown in Figure 4.

Esplanade is a short single lane connecting road that has one-way flow from Murray Street to Norton Way. Angle parking is provided for 9 spaces on the western side of the Esplanade.

Norton Way provides truck and bus access to the Spirit of Tasmania, as well as access to a number of commercial sites and freight access to the Port. Norton Way is shown in Figure 3.

Figure 2 Murray Street at Site Access





Figure 3 Norton Way at Site Access



Figure 4 Wright Street towards Norton Way





2.2 Road Safety Performance

Crash data can provide valuable information on the road safety performance of a road network. Existing road safety deficiencies can be highlighted through the examination of crash data, which can assist in determining whether traffic generation from the proposed development may exacerbate any identified issues.

Crash data was obtained from the Department of State Growth for a 5+ year period between January 2012 and April 2017 for Norton Way, Murray Street, Esplanade and Wrights Road, East Devonport.

The findings of the crash data is summarised as follows:

- No crashes were reported on Norton Way.
- A total of 4 crashes were reported in Murray Street. All of these crashes involved property damage only. There was no clear crash trend, with crash types 'other-on-path', 'leaving-parking', 'out-of-control-on-carriageway', and 'reversing-into-object'.
- A total of 7 crashes were reported in Wright Street. 1 of these crashes involved a pedestrian (minor injury, April 2017, north of Murray St), 5 crashes involved parking or parked vehicle, and 1 crash involved 'out-of-control-on-carriageway'.

The spatial locations of these crashes are shown in Figure 5.

The crash history is generally consistent with a busy commercial road network. It does not indicate that there are any specific road safety deficiencies associated with the network that may be exacerbated by traffic generated by the proposed development.





3. Proposed Development

3.1 Development Proposal

The proposed development involves a rezoning and development of a retail complex at 2-12 Murray Street, East Devonport. The key components of the development are as follows:

- | | |
|---------------------------------|--|
| ▪ Supermarket | 1,245 m ² |
| ▪ Retail tenancy 2 | 215 m ² |
| ▪ Retail tenancy 3 | 261 m ² |
| ▪ Car parking | 38 spaces |
| ▪ Truck loading areas | 2 semi-trailer spaces |
| ▪ Caravan and Campervan parking | 2-3 spaces (depending on vehicle size and positioning) |

Vehicular access is proposed at the following locations:

- Separate entry and exit on Murray Street
- Heavy vehicle entry and exit on Norton Way (service vehicles)
- Heavy vehicle/ caravan and campervan exit on Norton Way

The proposed development is shown in Figure 6.



Figure 6 Proposed Development Plans



Source: 6ty



4. Traffic Impacts

4.1 Traffic Generation

Traffic generation rates were sourced from the RMS Guide and Updated RMS Guide. The RMS Guide states that for shopping centres less than 10,000 m² gross floor area, the daily traffic generation is 121 vehicles per day per 100m². The peak hour rate is 12.5 trips per 100m² of floor area.

Using these rates, the expected traffic generation of the site is 2,082 vehicles per day and 215 trips per hour during peak periods.

The Updated RMS Guide utilises the same weekday peak, but provides a higher peak for Saturdays (16.3 trips per 100m² GFLA). This equates to 281 trips per hour on Saturdays.

The RMS Guide also suggests that approximately 25% of these trips are 'shared trips' in which vehicles already on the road network divert to the Centre. Based on this, the proposed development is expected to generate a total of 1,562 new vehicles per day on the transport network, with 161 new vehicles per hour during evening weekday peak periods. The proximity of the development to the Spirit of Tasmania terminal is likely to result in linked-trips to/from the terminal (ie. Spirit of Tasmania passenger vehicles stopping at the proposed development as they exit or before they enter the terminal).

It is also likely to result in customers walking to the shopping centre once their vehicle is in the queue prior to boarding the Spirit of Tasmania, thus reducing the trip generation of the development further.

4.2 Access Impacts

The proposed development provides a separate vehicular entry and exit on Murray Street. Norton Way provides commercial vehicle entry/ exit, as well as a separate exit for caravans/ campervans (enabling these vehicles to travel through the site without requiring to manoeuvre within the site).

4.2.1 Access Functionality

The proposed accesses on Murray Street are located opposite the passenger vehicle accesses to the Spirit of Tasmania. The proposed entry is opposite the Spirit of Tasmania's exit, and the proposed exit is located opposite the Spirit of Tasmania's entry.

This configuration enables vehicles exiting the Spirit of Tasmania terminal to directly access the proposed development (noting further that caravans and campervans can access through the site). During these periods, the opposing flow on Murray Street would be relatively low (as Murray Street is highly directional due to arrival and departure traffic associated with the Spirit of Tasmania).

4.2.2 Sight Distance Requirements

The proposed accesses located on Murray Street and Norton Way were assessed against the Austroads requirements for sight distance. Austroads Part 4A defines Safe Intersection Sight Distance as follows:

"SISD is the minimum standard which should be provided on the major road at any intersection."



SISD:

- provides sufficient distance for a driver of a vehicle on the major road to observe a vehicle on the minor road approach moving into a collision situation (eg. In the worst case, stalling across the traffic lanes), and to decelerate to a stop before reaching the collision point.
- is viewed between two points to provide inter-visibility between drivers and vehicles on the major road and minor road approaches. It is measured from a driver eye height of 1.1 m above the road to points 1.25 m above the road which represents drivers seeing the upper part of the cars.
- assumes that the driver on the minor road is situated at a distance of 5.0 m (minimum of 3.0 m) from the lip of the channel or edge line projection of the major road. SISD allows for a 3 second observation time for a driver on the priority legs of the intersection to detect the problem ahead (e.g. car from minor road stalling through lane) plus SSD.
- provides sufficient distance for a vehicle to cross the non-terminating movement on two-lane two-way roads, or undertake two-stage crossings of dual carriageways, including those with design speeds of 80 km/h or more.
- should also be provided for drivers of vehicles stored in the centre of the road when undertaking a crossing or right-turn movement.
- Is measured along the carriageway from the approaching vehicle to the conflict point, the line of sight having to be clear to a point 5.0 m (3.0 m minimum) back from the holding line or stop line on the side road."

For a design speed of 50-km/h, Austroads requires a SISD of 90 metres. The available sight distance at each of the exits of the site exceed this requirement.

4.3 Pedestrian Impacts

The proposed development will generate a moderate amount of pedestrian activity within the subject site and the surrounding road network. There is very good pedestrian infrastructure throughout the existing transport network, comprising of footpaths on Murray Street and Wright Road.

4.4 Road Safety Impacts

No significant adverse road safety impacts are foreseen for the proposed development. This is based on the following:

- There is sufficient spare capacity in the surrounding road network to absorb the peak hour traffic generated from the proposed development. The proposed development is likely to result in a relatively large amount of 'linked-trips' with the Spirit of Tasmania travellers, thus reducing the new trips on the network.



- The existing road safety performance of the road network near the subject site does not indicate that there are any specific road safety deficiencies that might be exaggerated by increase in traffic volume. Importantly, there are no existing crash history associated with property access at the site, or pedestrian movements near the site.
- Access to the development is via Murray Street and Norton Way, which will enable good circulation in the surrounding road network.
- Heavy vehicle trips are separated from customer car movements on Murray Street through the provision of a separate loading facility on Norton Way.



5. Parking Assessment

5.1 Parking Provision

The proposed development will provide the following parking provision:

- Car parking 38 spaces
- Truck loading areas 2 semi-trailer spaces
- Caravan and Campervan parking 2-3 spaces (approx)

These parking spaces are shown in Figure 6.

5.2 Nearby On-Street and Off-Street Parking Areas

There is a relatively large supply of on-street and off-street car parking in the surrounding road network. This includes parallel and angle parking in Murray Street, and a 40 space (plus 5 caravan/ campervan spaces) the public open air car park located on the corner of Wright Street and Murray Street.

Site observations undertaken on Tuesday 11th April indicate that the car park on the corner of Wright Street and Murray Street had low occupancy, with the maximum occupancy recorded at 12 cars.

5.3 Shared Parking Principles

The proposed development is situated in a relatively busy commercial area of East Devonport and as such the principles of shared parking apply. In busy commercial areas it is common for trips to be undertaken that result in several destinations within the area requiring only one parking manoeuvre. That is, patrons visit more than one destination within the area whilst only utilising one parking space.

The principles of shared parking are best outlined by the following extract from the text: Parking Policy, Design and Data, Young, W., 1991.

"There are many locations where a number of different land uses are located in close proximity. These areas have been termed mixed use or multi-use areas and tend to exhibit different characteristics to single use developments. These differences are exhibited in three ways:

- 1. The dependence of one land use on activities generated by other land uses,*
- 2. The recognition that a parking space can be shared by several users. This is often referred to as shared parking, and*
- 3. The tendency, in situations where an aggregate of single uses exist, for a principal trip (perhaps a motorised trip) to result in a number of short trips (walk trip) from the initial destination.*

In complex land uses, it is not uncommon for the three characteristics to occur concurrently. Accordingly, where complex land uses exist, the parking needs should not be calculated by adding the individual land use needs. The peak demand for parking in shared parking facilities must take into account the parking demand for each generator, displacing them temporally to determine the



maximum demand. Further, the use of time, user and area access restrictions can be relaxed to take into account the complementarity of parking demands.

In an overall urban context, some city parking management plans have considered joint use parking promotion in which developers of centre city sites are allowed to use municipal parking facilities to satisfy parking requirements provided that demand patterns for multiple users do not conflict. They may also develop a neighbourhood shopping district parking programme which will provide short term parking areas facing a shortage of such spaces.

The development of multi-use facilities has opened a new dimension in parking policy. The provision of public parking places through cash in lieu systems have been used to enable more efficient use of parking facilities. Further, parking credits for existing public parking provide a basis for recognising that existing developments have a certain share of public parking devoted to their use."

In the context of the development, there is a mix of neighbouring similar land uses on the subject site, as well as the Spirit of Tasmania terminal. It is likely that customers will walk to the shopping centre once their vehicle is in the queue prior to boarding the Spirit of Tasmania.

It is further noted that Hertz, Budget and Europcar hire car outlets are located immediately adjacent to the site to the west. Tassie Car Rentals is also located in Murray Street to the north of the subject site. It is likely that passengers of the Spirit of Tasmania who hire a car at these sites may also visit the proposed development (with their parking demands catered for at the hire car venue).

This is coupled with a large supply of on and off street parking in the surrounding area that has been managed to cater for typical parking demands for these uses (specifically the car park located on the corner of Wright and Murray Street to the east of the site).

The actual parking demand is therefore likely to be lower than the aggregated parking demands of each of the components of the site (ie. less than the aggregate requirements of the supermarket and two commercial tenancies). Peaks for each land use are unlikely to coincide for each component of the site, hence effectively sharing the demands for these spaces across different times of the day.

5.4 Planning Scheme Requirements

The Traffic Generating Use and Parking Code, E9.0, sets out the Planning Scheme parking requirements for a development.

Acceptable Solution, A1, of E9.5.1 of the Planning Scheme states: "*The minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code*".

The parking requirements of Table E9.1 of the Planning Scheme requires a total of 1 space per 30m² or gross floor area (land use: shop). This is a Planning Scheme requirement for 58 car parking spaces. The parking provision of 40 spaces is therefore 18 spaces less than the Acceptable Solution requirements



(when including 2 caravan/ campervan spaces). The proposed development therefore does not satisfy the Acceptable Solution, A1, of E6.6.1 of the Planning Scheme.

Performance Criteria P1 of Clause E9.5.1 of the Planning Scheme states:

Objective: *"Provision is to be made for convenient, accessible, and usable vehicle parking to satisfy requirements for use or development without impact for use or development of other land or for the safety and operation of any road."*

P1:

(a) It must be unnecessary or unreasonable to require arrangements for the provision of vehicle parking; or

(b) Adequate and appropriate provision must be made for vehicle parking to meet -

(i) anticipated requirement for the type, scale, and intensity of the use;

(ii) likely needs and requirements of site users; and

(iii) likely type, number, frequency, and duration of vehicle parking demand".

The following is relevant with respect to the proposed development:

- a. N/A
- b. The shortfall associated with the parking is made up through the provision of nearby on-street and public off-street parking areas, as well as shared parking principles as outlined in Section 5.2 and 5.3.

The relatively small shortfall of 18 car parking spaces is therefore considered acceptable in light of these shared parking principles, as well as the large amount of time restricted on-street parking in the surrounding road network.

5.5 Car Parking Layout

The car parking layout complies with the requirements of AS2890.1

5.6 Commercial Vehicles

The development provides 2 articulated truck parking spaces accessed via Norton Way. These loading areas service the proposed supermarket and commercial sites of the development. The loading areas are shown in Figure 6.

The parking requirements associated with commercial vehicles is contained in E9.5.2 of the Planning Scheme. The objective of E9.5.2 is: *"Provision is made for conveniently located and accessible areas for the loading and unloading of goods and materials and for the pick-up and set-down of passengers from vehicles"*.



Acceptable Solution, A1(a), of E9.5.2 of the Planning Scheme states: "*There must be provision within a site for on-site loading area in accordance with the requirement in the Table to this Code*".

For 'General Retail and Hire' land use, the requirement for commercial vehicles is:

- (a) *1 x small rigid truck space / 400 m2 gross floor area; or*
- (b) *1 x articulated truck for supermarkets and department stores*

This equates to a requirement for 1 articulated truck space and 1 small rigid space for the proposed development. The development provides 2 spaces for articulated trucks and therefore complies with the Acceptable Solution A1(a) of Clause E9.5.2 of the Planning Scheme.



6. Conclusions

This traffic impact assessment (TIA) investigated the traffic and parking impacts of a proposed supermarket and retail complex development at 2-12 Murray Street, East Devonport.

The key findings of the TIA are summarised as follows:

- The traffic generation of the proposed development is likely to be 2,082 vehicles per day and 215 trips per hour during peak periods. Many of these trips are likely to be 'shared-trips' with Spirit of Tasmania travellers.
- Sight distance was assessed and found to comply with Austroads requirements at each of the accesses to the proposed development.
- The proposed development provides a total of 38 car parking spaces, space for 2-3 caravans/ campervans, and two loading areas for articulated vehicles.
- Acceptable Solution A1 of Clause E9.5.1 of the Planning Scheme requires 58 parking spaces, a shortfall of 18 spaces (when including 2 spaces associated with caravan/ campervan parking).
- The development meets the requirements of the Performance Criteria, P1 of E9.5.1 on the basis that shared-parking principles apply to the development, and there is sufficient on-street and off-street parking in the nearby road network to cater for the development's needs.
- The provision of 2 articulated truck spaces meets Acceptable Solution A1 of Clause E9.5.2 of the Planning Scheme.

Based on the findings of this report and subject to the recommendations above, the proposed development is supported on traffic grounds.



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Document Status

Revision	Author	Review	Date
0	Keith Midson	Zara Kacic-Midson	3 May 2017

5.0 CLOSURE

There being no further business the Chairman declared the meeting closed at pm.