

Prior to the commencement of the meeting, the Mayor will make the following declaration:

“I acknowledge the Tasmanian Aboriginal Community as the traditional custodians of the land on which we meet today, and pay respect to elders, past and present”.

The Mayor also to advise the Meeting and members of the public that Council Meetings, not including Closed Meeting, are audio-visually recorded and published to Council’s website.

CLARENCE CITY COUNCIL (PLANNING AUTHORITY) MEETING**MONDAY 18 DECEMBER 2017****TABLE OF CONTENTS**

ITEM	SUBJECT	PAGE
1.	APOLOGIES	3
2.	DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE	3
3.	REPORTS OF OFFICERS	3
3.1	DEVELOPMENT APPLICATION D-2017/444 - 40 AND 40A KANGAROO BAY DRIVE, ROSNY PARK AND 64C, 76 AND 78 CAMBRIDGE ROAD, BELLERIVE - HOTEL AND HOSPITALITY TRAINING SCHOOL (HOTEL INDUSTRY, VISITOR ACCOMMODATION, EDUCATIONAL, GENERAL RETAIL AND FOOD SERVICES)	4

BUSINESS TO BE CONDUCTED AT THIS MEETING IS TO BE CONDUCTED IN THE ORDER IN WHICH IT IS SET OUT IN THIS AGENDA UNLESS THE COUNCIL BY ABSOLUTE MAJORITY DETERMINES OTHERWISE

COUNCIL MEETINGS, NOT INCLUDING CLOSED MEETING, ARE AUDIO-VISUALLY RECORDED AND PUBLISHED TO COUNCIL'S WEBSITE

1. APOLOGIES

2. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE

(File No 10-03-09)

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015 and Council's adopted Code of Conduct, the Mayor requests Aldermen to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

3. REPORTS OF OFFICERS

NB: Requests for Deputations will be finalised on the Friday prior to the Meeting

3.1 DEVELOPMENT APPLICATION D-2017/444 - 40 AND 40A KANGAROO BAY DRIVE, ROSNY PARK AND 64C, 76 AND 78 CAMBRIDGE ROAD, BELLERIVE - HOTEL AND HOSPITALITY TRAINING SCHOOL (HOTEL INDUSTRY, VISITOR ACCOMMODATION, EDUCATIONAL, GENERAL RETAIL AND FOOD SERVICES)

(File No D-2017/444)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for a Hotel and Hospitality Training School (Hotel Industry, Visitor Accommodation, Educational, General Retail and Food Services) at 40 and 40A Kangaroo Bay Drive, Rosny Park and 64C, 76 and 78 Cambridge Road, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned Particular Purpose 4 – Kangaroo Bay and subject to the Road and Railways Assets, Inundation Prone Areas (low/medium/high), Hotel Industries, Parking and Access, Stormwater Management and Public Art Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

Council is required to exercise a discretion within the statutory 42 day period which has been extended with the written agreement of the applicant to expire on 20 December 2017.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 148 representations (some were from the same household) were received raising the following issues:

- improvement on current permit but still object (70);
- support application/do not object (7);
- visual impact - including height, bulk and aesthetics (103);
- lack of consultation and transparency (44);
- inappropriate use (53);
- lack of car parking (94);
- increased traffic (71);
- foreign developer and Council trips (20);
- sale of public land (24);
- the role of TasTafe (4);
- lack of community access to the foreshore (57);
- effect on the heritage values of the bay (12);
- climate change/inundation (4);
- noise (6);

- lighting (1);
- contrary to Council plans and other legislation (15);
- inaccurate shadow diagram (1);
- stated land uses and areas (1);
- appropriation of Council and Crown land (1);
- impact on marine life (2);
- miscellaneous (12);
- suggestions (27);
- cycling concerns (7);
- access (1);
- overlooking (1);
- landscaping/setback (1);
- construction impacts (1);
- stormwater run-off (1);
- commercial tenancy in Building 2 (1);
- public art (1);
- pollution (1); and
- navigation and moorings (1).

RECOMMENDATION:

A. That the Development Application for Hotel and Hospitality Training School (Hotel Industry, Visitor Accommodation, Educational, General Retail and Food Services) at 40 and 40A Kangaroo Bay Drive, Rosny Park and 64C, 76 and 78 Cambridge Road, Bellerive (CI Ref D-2017/444) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. Prior to the commencement of the use 14 employee (Class 1 or 2) and 14 visitor (Class 3) bicycle spaces must be provided on the site. The design of bicycle parking facilities must provide safe, obvious and easy access for cyclists, having regard to all of the following:
- (a) minimising the distance from the street to the bicycle parking area;
 - (b) providing clear sightlines from the building or the public road to provide adequate passive surveillance of the parking facility and the route from the parking facility to the building;
 - (c) avoiding creation of concealment points to minimise the risk.

The design of bicycle parking spaces must be to the class specified in Table 1.1 of AS2890.3-1993 Parking Facilities Part 3: Bicycle parking facilities in compliance with Section 2 “Design of Parking Facilities” and Clauses 3.1 “Security” and 3.3 “Ease of Use” of the same Standard. In addition, shower and change room facilities must be provided for employees of the hotel and the educational facility.

All bicycle facilities must be provided prior to the commencement of the use.

3. The use hereby approved must not exceed the following seating capacities without the further consent of Council:
 - restaurants and bar combined must not exceed 180 seats;
 - function centre must not exceed 120 seats; and
 - educational facility must not exceed 105 students on the premises at any one time.
4. Prior to the issue of a Building Permit, a schedule of materials for the northern most building (visitor apartment building) along Cambridge Road must be submitted and approved by Councils Manager City Planning. The materials used must ensure that there is no direct overlooking from the apartments of 25 Kangaroo Bay Drive and may be a translucent cladding.
5. GEN C1 – ON-SITE CAR PARKING [70] [delete last 2 sentences and add an additional sentence “1 additional motorcycle space must be provided on-site prior to the commencement of the use.”]
6. GEN C2 – CASH-IN-LIEU [\$730,000] [73].
7. The approved bar, restaurants and function centre must not be open to the public outside the hours of 6am-12am midnight.
8. Noise emissions measured at the boundary of the Cambridge Road General Residential zone within 50m of the application site must not exceed the following:
 - (a) 55dB(A) (LAeq) between the hours of 7am to 7pm;
 - (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7pm to 7am; and
 - (c) 65dB(A) (LAm_{ax}) at any time.

Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.

Within 60 days after any approved use has commenced, a report from a suitably qualified acoustic engineer must be submitted in a form acceptable to Council’s Senior Environmental Health Officer. Should the above parameters be exceeded, suitable mitigation and/or management measures must be undertaken within an agreed timeframe to the satisfaction of Council’s Senior Environmental Health Officer.
9. External amplified loud speakers or music must not be used.
10. External lighting must comply with all of the following:
 - (a) be turned off between 11pm and 6am, except for security lighting; and

- (b) security lighting must be baffled to ensure it does not cause emission of light outside the site.
11. Commercial vehicle movements, (including load and unloading and garbage removal) to or from any area of the site within 50m of a Residential zone must be within the hours of:
- (a) 7am to 6pm Mondays to Fridays inclusive;
 - (b) 9am to 5pm Saturdays; and
 - (c) 10am to 12 noon Sundays and Public Holidays.
12. Public art works valued at not less than \$20,000 must be provided in a form and location in accordance with Council's documented guidelines, procedure and criteria to the satisfaction of Council's Manager City Planning. The form and location must be agreed prior to the issue of a Building Permit and installation of the art works must occur prior to the commencement of any uses hereby approved.
13. A plan for the management of construction must be submitted and approved by Council's Group Manager Engineering Services prior to the issue of a Building or Plumbing Permit. The plan must outline the proposed demolition and construction practices in relation to:
- proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on-site);
 - proposed hours of construction not exceeding accepted guidelines;
 - identification of potentially noisy construction phases, such as operation of rock-breakers, explosives or pile drivers, and proposed means to minimise impact on the amenity of neighbouring buildings;
 - spread of pathogens which may include noxious weeds;
 - a Construction Environmental Management Plan in accordance with the recommendations of Marine Solutions, Marine Environmental Assessment dated October 2017 which addresses the following points:
 - translocation of marine pests by machinery working on-site;
 - management of silt disturbance during construction;
 - methodology to prevent debris from entering the bay during construction;
 - piling (if required), and appropriate cetacean/pinniped management; and
 - seasonality of construction timing to minimise risk to spotted handfish breeding;
 - control of dust and emissions during working hours;
 - construction parking;
 - proposed screening of the site and vehicular access points during work;

- alternative arrangements for pedestrian, cycling and Bellerive Yacht Club access; and
- procedures for washing down vehicles, to prevent soil and debris being carried onto the street.

14. GEN S1 – SIGN CONSENT.

15. GEN M5 – ADHESION delete all wording and replace with [Lots 7, 8 and 11 on SP173171 must be consolidated into one title prior to the commencement of any of the uses hereby approved.]. Provision must be made for appropriate rights-of-way for the public and access for Bellerive Yacht Club.

16. The building must make provision for a 4m wide public walk way and cycle way within the area shown on the endorsed plan as “Public Walkway”. The Public Walkway is to be:

- designed and constructed to the satisfaction of Council’s Group Manager Engineering Services;
- maintained at all times in a useable condition at the owner’s cost;
- identify and satisfactorily resolve potential conflict points (for example, building ingress and egress and the potential for conflict with cyclists);
- kept open and unobstructed at all times for use by the public; and
- built so as to link with the existing or proposed foreshore public walkway immediately to the south and north of the application site.

17. ENG A5 – SEALED CAR PARKING.

18. ENG A7 – REDUNDANT CROSSOVER.

19. ENG S1 – INFRASTRUCTURE REPAIR.

20. ENG M1 – DESIGNS DA [insert after first paragraph:

“The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with Section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with Clause 5.3 “Headroom” of the same Standard.

Parking and vehicle circulation roadways and pedestrian paths must be provided with lighting in accordance with Clause 3.1 “Basis of Design” and Clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.

The design of motorcycle parking areas must be located, designed and constructed to comply with Section 2.4.7 “Provision for Motorcycles” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking.]

21. ENG M5 – EROSION CONTROL.
22. ENG M8 – EASEMENTS.
23. All stormwater run-off from impervious surfaces within the site must be treated and discharged from site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010. Detailed engineering designs, accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model), must be submitted to Council's Group Manager Engineering Services for approval prior to the issue of a building or plumbing permit. This report is to include the maintenance management regime/replacement requirements for the treatment facility.
24. Prior to commencement of use or the issuing of a completion certificate, a Part 5 Agreement is to be included on the sealed plan. This Part 5 Agreement is to incorporate the Maintenance Management Schedule/Regime obligations for the stormwater treatment facility and a requirement to report to Council on an annual basis stating that all maintenance requirements for the facility have been met.
25. Special provisions are to be made for the cycleway/multi-user paths that travel around and through the site. The detailed designs must be submitted to Council's Group Manager Engineering Services for approval prior to the issue of a building permit and must include:
 - a public multi-user path with a clear width of 4m (unencumbered with street furniture) around the water side of the development with an appropriate surface and no sharp bends;
 - a clearly defined cycle path/multi-user path across the forecourt and through the access lane, with a smooth horizontal and vertical geometry, utilising appropriate smooth surface materials with contrasting colour to the forecourt and other pedestrian surface areas with the use of symbolic inlays within the pavement being encouraged;
 - special provisions within the access laneway/public thoroughfare are to be made which may include surface treatments and channelization techniques to make provision for the interaction of cyclist, pedestrian and vehicle movements;
 - additional cycle parking hoops are to be provided adjacent to the cycleway and in the vicinity of the forecourt and eating areas; and
 - the works must be completed prior to the commencement of any of the uses hereby approved.
26. LAND 1A – LANDSCAPE PLAN [insert after fifth dot point, "details of hard landscaping to provide a seamless transition from existing public to private areas;"].

27. LAND 3 – LANDSCAPE BOND (COMMERCIAL).

28. The development must meet all required Conditions of Approval specified by TasWater notice dated 24 October 2017 (TWDA 2017/01567-CCC).

ADVICE 5 – FOOD SPECIFICATIONS ADVICE.

ADVICE 6 – FOOD REGISTRATION ADVICE.

Advice - The proponent is advised to contact MAST in respect of the “buffer” zone under the roof of Building 1 and walkway as a no navigation zone. Confirmation is required of the distance from the buffer zone to the existing Bellerive Yacht Club marina to ensure existing BYC marina tenants are provided with a safe distance to be able to manoeuvre their vessels in and out of their pens and also to other berths to the south (shore side) of the marina.

Advice - Whilst a significant impact to the spotted handfish is considered unlikely by the Policy and Conservation Assessment Branch of DPIPWE, appropriate construction management actions must be developed and adhered to. Given the status of this species under the Commonwealth legislation the proponent should make themselves aware of their obligations under the EPBCA.

- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.
- C. That the request by the applicant, Circa Morris-Nunn Architects, and dated 5 September 2017 to waive the application fees be declined for the reasons set out in the Associated Report.

ASSOCIATED REPORT

1. BACKGROUND

- 1.1.** Kangaroo Bay is a significant location within the heart of the urban area of Clarence that has long been regarded by Council and the community as an undeveloped opportunity to provide a significant visitor and leisure destination and community focus for the City.
- 1.2.** In 2004, the State Government and Council called for Expressions of Interest (EOI) in the development of land around the former ferry terminal. The EOI process was subsequently terminated as it did not produce a viable development proposal.

Factors identified as contributing to the failure of the EOI process was the lack of an overall masterplan for the area and issues in regard to access to the precinct.

- 1.3.** In response, Council commissioned an extensive process of community and stakeholder consultation leading to the formal adoption of the Kangaroo Bay Urban Design Strategy and Concept Plan (Masterplan) in 2008.
- 1.4.** The Masterplan has provided the framework upon which to move forward in a planned manner and to meet the community expectation for progress. A number of components of the Masterplan were soon actioned, including the extension of the Bellerive boardwalk (incorporating a movable pedestrian bridge past the yacht club slipway) and construction of a section of foreshore promenade at the head of the bay.
- 1.5.** Scheme amendments critical to implementing the Masterplan were approved by the Tasmanian Planning Commission in 2011, following further public consultation (statutory and non-statutory). Kangaroo Bay Development Plan (DPO 11) established the zoning and planning provisions for the precinct, including an outline subdivision plan. The intent and provisions of DPO11 have been subsequently translated into Kangaroo Bay Particular Purpose Zone, 4 within the new format Clarence Interim Planning Scheme 2015.
- 1.6.** A Rosny Park/Kangaroo Bay Traffic Management Plan was prepared which proposed full signalisation of the Bligh Street/Rosny Hill Road and Alma Street/Cambridge Road intersections, the closure of the Pembroke Place/Cambridge Road intersection, and connection of Pembroke Place and Alma Street to Kangaroo Bay Drive. These actions were verified by traffic intersection modelling undertaken in December 2012 and endorsed by Council in January 2013. The roadworks have since been completed and are now operational.

- 1.7.** The precinct subdivision required to implement the Kangaroo Bay Development Plan (SD-2013/32) - creating the areas of public domain, new access and road lots, and also the development parcels – was approved by Council in October 2013, following statutory public consultation.
- 1.8.** Progress with the \$13 Million precinct enhancement project and associated subdivision civil works was given a significant stimulus with the awarding in August 2014 of a \$5 Million Australian Government grant under the Tasmanian Jobs and Growth Plan. The grant was awarded on the basis that Council would contribute and expend matching funds to the project totalling \$7.8 Million over 3 financial years.
- 1.9.** In March 2015, Council and the Tasmanian Government invited the submission of development proposals to activate the Kangaroo Bay development precinct. The land area offered for private freehold development comprised 2 parcels: the “Boulevard” site (13400m²) and the “Wharf” site (8900m²).
- 1.10.** Following review of the submissions received, overseen by a project probity auditor, the joint assessment panel recommended that Hunter Developments be invited to participate in Stage 2 of the expression of interest process, to further develop a proposal for a Hotel development at the Wharf site.
- 1.11.** In March 2016, the TasTAFE Board confirmed it was working on a joint project with Hunter Developments and Shandong Chambroad Holdings Co Ltd to incorporate a hospitality training school within the proposed hotel development.
- 1.12.** In October 2016, following assessment of an updated submission by the joint assessment panel, preferred developer status for the Wharf site was awarded to Hunter Developments Pty Ltd in relation to a proposal for a premium standard waterfront accommodation hotel and TasTAFE linked hospitality training school.

- 1.13.** Preferred developer status enabled the lodgement by Hunter Developments of Development Application D-2016/506 to be assessed through the statutory land use planning and approval process.
- 1.14.** The application was approved at Council's Special Planning Meeting on 23 January 2017 and remains in place should the developer wish to implement it. There is no mechanism under the LUPA Act for Council to cancel this permit.
- 1.15.** The subject application is an attempt by the proponent to address some of the concerns raised by some sections of the community; particularly issues of overall height, bulk and view corridors. Notwithstanding, the proponent has also used the process to refine the design such as external building finishes, public walkways and carpark layout.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned Particular Purpose 4 – Kangaroo Bay and subject to the Road & Railways Assets, Inundation Prone Areas (low/medium/high), Hotel Industries, Parking & Access, Stormwater Management and Public Art Codes under the Scheme.
- 2.2.** The application is discretionary because of the proposed land uses and because it does not meet the Acceptable Solutions under the Scheme.
- 2.3.** The relevant parts of the Scheme are:
- Section 8.10 – Determining Applications;
 - Section 9.9 – Accretions;
 - Section 10 – Particular Purpose 4 – Kangaroo Bay Zone; and
 - Section E6.0 – Road & Railway Assets, Inundation Prone Areas (low/medium/high), Hotel Industries, Parking & Access, Stormwater Management and Public Art Codes.

- 2.4.** Council's assessment of this proposal should also consider the issues raised in the representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The site is located to the south of the newly aligned Kangaroo Bay Drive. Cambridge Road is to the east, Kangaroo Bay foreshore to the west and the Bellerive Yacht Club Crown lease to the south. The land previously comprised titled and untitled Crown land (comprising lease areas) and 2 Council owned lots which were vacant, apart from the former ferry terminal building and a house at 78 Cambridge Road.

The site now comprises 3 sealed lots under approved SD-2013/32; Lots 7, 8 and 11 on SP173171. The combined area of the lots is 8,905m² although Lot 8 extends over the high-water mark into Kangaroo Bay itself. A 4m wide right-of-way is provided around the foreshore perimeter of Lot 8. Lot 11 provides an 8m wide right-of-way from Kangaroo Bay Drive to the Bellerive Yacht Club Crown lease area (Lot 9 on SP 173171). Other easements provide for infrastructure services.

The former ferry terminal building and house at 78 Cambridge Road have been demolished to enable redevelopment. The land was settled in favour of Chambroad Overseas Investment Australia Pty Ltd in November 2017.

3.2. The Proposal

The proposal is to provide a hotel and associated uses and to include a TAFE hospitality education facility. The proposed uses comprise the following:

- hotel rooms: 85;
- serviced apartments: 24;
- students: 105;
- lecturers/staff: 20;
- restaurants and bars: 180 seats;

- function centre: 120 seats; and
- retail: 337m²

The proposed development comprises 3 principal buildings and associated car parking adjacent to Building 1.

Building 1

- situated over the site of the former ferry terminus building and in the shape of a boat/ship, the “bow” extending out into Kangaroo Bay and the “stern” overhanging the Kangaroo Bay Drive road reserve;
- comprised over 5 levels having an elongated elliptical floor plan (boat shaped);
- both the “bow” of the structure and the public walkway around the building extend outward into the bay and past the site boundaries determined by Subdivision SD-2013/32, into Kangaroo Bay by a maximum of 10.3m;
- Level 1: restaurant and bar; hotel check in, kitchen storage and luggage areas as well as toilets; tenancy area for specialty shops; function area and guest lounge; and central garden courtyard;
- Level 2: 33 rooms around a central atrium; level walkway through to Building 2;
- Level 3: 33 rooms around a central atrium;
- Level 4: 19 rooms and partial roof top garden around a central atrium;
- Level 5: restaurant and partial roof top garden; and
- maximum height 20m above natural ground level (as before).

Building 2

- secondary building with a minimum zero to 2.5m setback to Cambridge Road;
- 4 levels – one for student activities and 3 for serviced apartments associated with the hotel;

- Level 1: one commercial tenancy (approximately 140m²) which is envisaged by the applicant to be a cafe that will be operated by the hospitality school to provide hands-on training for students to help them gain practical experience; floor space for the hospitality school (unresolved internal layout but the applicant has confirmed that this floor will mainly be used as teaching spaces for the hotel and hospitality training school, offices spaces for the teaching and administrative staff, as well as other ancillary facilities for the school); at grade setback to Cambridge Road reserve is between 2.6 – 8.25m;
- Level 2: 8 hotel room apartments; walk way connecting to Building 1;
- Level 3: 8 hotel room apartments;
- Level 4: 8 hotel room apartments; and
- maximum height above natural ground level is 14m (as opposed to 17.6m in the existing permit).

Building 3

- a further secondary building solely intended for the hospitality school;
- Level 1: floor space for the hospitality school (this building shared an open floor space with Building 2 at this level only);
- Levels 2, 3 and 4: hospitality school (internal layout unresolved);
- Level 5 roof top garden with shelter, landscaping (to Cambridge Road) and service housing (ie stairs and elevator); and
- maximum height above natural ground level is 17.3m (as opposed to 17.6m) inclusive of roof top garden and service housing and minimum at-grade setback from Cambridge Road of 2.5m and zero metres above.

Associated Infrastructure

- a ground level carpark providing 70 spaces;
- hard landscaped public pedestrian and cycle right-of-way as well as vehicular access to the Bellerive Yacht Club (BYC) between Buildings 1 and 2/3;
- pedestrian concourse extending the board walk around the bow of Building 1 and linking it with the pedestrian concourse to the north; and
- signage is not proposed at this time.

The principal changes made to the proposal from the original endorsed plans include the follow main elements.

Building 1 (Main Hotel)

- minimal changes mainly involving internal layout; and
- ground floor level raised 300mm from 2400mm to 2700mm AHD (overall height remains the same).

Building 2

- rooftop terrace and accompanying roof has been deleted to reduce bulk and remove potential overlooking issues to northern neighbour;
- floor to ceiling heights have been reduced to address bulk and height;
- ground floor level raised 300mm from 2400mm to 2700mm AHD;
- commercial tenancies reduced from 2 to 1 and reduced in floor area by 113m²;
- increased setback from Cambridge Road to reduce visual bulk from street edge; and
- exterior detailing developed and refined.

Building 3

- ground floor level raised 300mm from 2400mm to 2700mm AHD;
- roof terrace has a landscape component to prevent overlooking issues and reduce visibility along Cambridge Road;
- extra entry added at the northern end to Cambridge Road to further activate the street;
- increased at-grade setback from Cambridge Road to reduce visual bulk from street edge; and
- exterior detailing developed and refined.

Landscape/Car Parking

- carpark redesigned to allow more car parking and removal of tandem car parks.

Floor Area

The following is a comparison of floor areas between the existing permit and the subject DA.

Existing Permit

Building 1 (hotel and associated facilities)	Building 2 (hotel serviced apartments and hospitality training school)	
8,721m ²	2,776 m ²	1,458 m ²

Subject DA

Building 1 (hotel and associated facilities)	Building 2 (hotel serviced apartments)	Building 3 (hospitality training school)
8,805 m ²	2,369 m ²	1,740 m ²

Floor Area Change

Building 1 (hotel and associated facilities)	(hotel serviced apartments)	(hospitality training school)
+84 m ²	-407 m ²	+282 m ²

The application is a reduction of 41m² in floor area from that already approved under D-2016/506.

The application is supported by architectural plans, renderings/photomontages, an architectural report, town planning assessment report (incorporating a Hotel Impact Industry Assessment), engineering report, traffic impact assessment (TIA) and a marine environmental assessment report.

4. PLANNING ASSESSMENT

4.1. General Overview

- **Accretions**

The “bow” end of Building 1 overhangs the Particular Purpose Zone 4 – Kangaroo Bay zone. Council has received legal opinion that this issue may be considered under Section 9.9.1 of the Scheme which deals with accretions. In addition to the relevant codes and zone standards that apply to the development within Particular Purpose Zone 4, Council must also have regard to the provisions of other zones and codes.

Given the extent of the assessment for the development located within Particular Purpose Zone 4 (below), it is considered that there is nothing under the zones and codes that would warrant refusal.

- **Urban Design Analysis**

Given its prominent location, form and height, the proposal will be the principal form and focus in Kangaroo Bay and therefore Council has again obtained input from Leigh Woolley, Urban Design Consultant. Mr Woolley has previously provided urban design input in the early masterplanning of the area and the previous development application. He has provided the following analysis of the buildings and siting (full advice provided at Attachment 3):

“The proposal will provide a distinctive focus and an architectural feature to the extended Kangaroo Bay precinct. Although the functions of hotel and hospitality training facility are less civic than may have been anticipated at the time of the UD Strategy, the complex will provide a destination in its own right.

Although the degree of ‘visual permeability’ envisaged via pedestrian movement around the ‘arc of the bay’ will be somewhat less open and continuous, the Hotel will provide active uses at ground level while providing continuous public access and walkways around the perimeter of the buildings.

The loss of public plazas, in part a consequence of a recalibration of the lot dimensions following completion of the road works and the Kangaroo Bay Drive turning circle, has been in part offset by providing a wider curtiledge on the southern side of the building. This now offers a more legible, less contorted public route than that previously proposed. It will also influence and contribute to the further upgrading and extension of the public edge beyond the Bellerive Yacht Club.

The scale of the buildings both reinforce and extend the massing anticipated in the UD Strategy and Development Plan. The principal hotel building is primarily three levels rising several additional levels as a curving tilting prow and feature element. While prominent, it is not necessarily inconsistent with the intention that the location be a built form focus to the precinct, while also providing definition to the public space of which it is a part.

Its elliptical plan and ovoid form will ensure it contributes ‘in the round’ both to its own site as well as the Kangaroo Bay more broadly.

The building frontage along Cambridge Road will provide a considered edge at an appropriate scale, also providing a distinctive architecture. While providing a defined edge, the separate building elements narrow to focus an entry and public link across and down the escarpment.

Although the height of the leading edge along Cambridge Road is similar to the previous scheme - the combination of reduced overall building mass, the defined break between buildings, and a material palette including vertically expressed timber, will provide a finer grain to Cambridge Road. Reducing the overall roof height and building mass will also likely reduce view impacts from neighbourhoods on rising ground to the south-east.

As a revised feature of the development, the now glazed-in pedestrian bridge will more forcefully link the adjacent buildings. Consideration may be needed to ensure it does not inadvertently discourage public movement through the precinct.

The development proposal provides a considered response to the urban design principles and site development intentions for Kangaroo Bay. While some of the civic expectations from the earlier guiding documents have changed in response to the proposed building type and its infrastructure demands, the solution proposed should positively contribute to and enhance the public domain”.

Previous issues raised by Mr Woolley’s critique of the first development application in respect of providing a wider curtilage to the south of Building 1 and developing the space between Buildings 1 and 2 (previously 10 short stay car parking spaces) to provide for a better view corridor and public thoroughfare have been largely addressed by this proposal.

4.2. Determining Applications [Section 8.10]

“8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by s51(2) of the Act, take into consideration:

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with ss57(5) of the Act;*

but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.

Reference to these principles is contained in the discussion below.

4.3. Compliance with Zone and Codes

A use or development must comply with each applicable standard in a zone or code which consists of complying with either the acceptable solution or the performance criterion for that standard. Where an acceptable solution is not met, Council may consider the relevant objective in an applicable standard to help determine whether a use or development complies with the performance criterion for that standard.

The proposal meets the Scheme's relevant Acceptable Solutions of the Particular Purpose 4 – Kangaroo Bay zone and the Road & Railways Assets, Inundation Prone Areas, Hotel Industries, Parking & Access, Stormwater Management and Public Art Codes with the exception of the following.

Particular Purpose Zone 4 – Kangaroo Bay

Clause	Standard	Acceptable Solution (Extract)	Proposed
35.3.1 A1	Amenity	Hours of operation of a use within 50m of a residential zone must be within: (a) 6am to 10pm Mondays to Saturdays inclusive; (b) 7am to 9pm Sundays and Public Holidays except for residential, office and administrative activities.	Buildings 2 and 3 are within 50m of a residential zone.

The proposal must be considered pursuant to Performance Criteria (P1) of the Clause 35.3.1 for the following reason.

Performance Criteria	Assessment
<i>"The operation of a use within 50m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through operating hours".</i>	The hours of operation for the educational facility are unlikely to exceed the acceptable solution, however, the serviced apartments will be in continual usage but will require a high level of amenity for guests and given the location, it is considered that there will be negligible impact.

Particular Purpose Zone 4 – Kangaroo Bay

Clause	Standard	Acceptable Solution (Extract)	Proposed
35.3.1 A2	Amenity	<p>Noise emissions measured at the boundary of a residential zone must not exceed the following:</p> <p>(a) 55dB(A) (LAeq) between the hours of 7am to 7pm;</p> <p>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7pm to 7am;</p> <p>(c) 65dB(A) (L_{Amax}) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.</p>	As the use has not commenced it is not possible to confirm compliance with the acceptable solution

The proposal must be considered pursuant to Performance Criteria P2 of the Clause 35.3.1 for the following reason.

Performance Criteria	Assessment
<i>“The operation of a use within 50m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through noise or other emissions in their timing, duration or extent”.</i>	Given that it is not possible to confirm compliance with the acceptable solution, the applicant has previously suggested that this issue can be dealt with by condition. Such a condition could require a report once the uses commence and measures to rectify any impacts above the acceptable solution.

Particular Purpose Zone 4 – Kangaroo Bay

Clause	Standard	Acceptable Solution (Extract)	Proposed
35.4.1 A1	Urban Design	The development is for minor additions and/or alterations to an existing building.	The proposal is for a significant new development

The proposal must be considered pursuant to Performance Criteria P1 of the Clause 35.4.1 for the following reason.

Performance Criteria	Assessment
<p><i>“The urban design of the development satisfactorily responds to the context of the site through:</i></p> <p><i>(a) private spaces are to provide open and clear connection to public spaces;</i></p> <p><i>(b) development forecourts are to be interconnected to provide for easy and legible movement between each other;</i></p> <p><i>(c) frontages to the street and pedestrian areas are to be active while entrances to buildings and spaces are to be legible in the wider streetscape”.</i></p>	<p>The privately owned open spaces will provide clear connections and have been improved by widening the walkway to the south of Building 1 and by the removal of short stay car parking spaces along the thoroughfare between the 2 principal building lines.</p> <p>The development forecourts are a design feature of adjacent sites situated along Kangaroo Bay Drive (the Boulevard precinct) and therefore this PC is not relevant.</p> <p>The frontages are considered to be adequately activated by entrances and glazing and will be easily discernible in the wider streetscape.</p>

Particular Purpose Zone 4 – Kangaroo Bay

Clause	Standard	Acceptable Solution (Extract)	Proposed
35.4.2 A1	Building Height	<p>(a) the development complies with a 3 dimensional building envelope described within an approved plan of subdivision; or</p> <p>(b) buildings are not to exceed 2 storeys in height at the frontage to a public road.</p>	<p>There are no such envelopes described in the plan of subdivision.</p> <p>Buildings 1, 2 and 3 will exceed 2 storeys.</p>

The proposal must be considered pursuant to Performance Criteria P1 of the Clause 35.4.2 for the following reason.

Performance Criteria	Assessment
<i>“(a) The height of buildings are to be consistent with the Zone Purpose Statements, Local Area Objectives and Desired Future Character Statements;</i>	The Zone Purpose Statements, Local Area Objectives and Desired Future Character Statements do not specify a particular height for the application site. The old ferry terminal building site is intended to provide an important built form focus as described by the zone Desired Future Character Statement (Clause 35.1.3) – <i>“...provide a feature architectural element cognisant of its location and visual importance in the Bay”</i> .
<i>(b) The height of buildings within the Village area is to be generally consistent with the surrounding development;</i>	not applicable
<i>(c) The height of buildings within the Boulevard area should generally not exceed 3 storeys above the escarpment at that location; and</i>	not applicable
<i>(d) Increased height of buildings in the Marina and Wharf areas may be considered where the development incorporates a scale and architectural response that is cognisant of its location and visual importance in the Bay and surrounds”.</i>	The buildings are considered to incorporate such an architectural response and would be commensurate (but not exceed) the guidance for the height of buildings along the Boulevard precinct not exceeding 3 storeys <u>above</u> the escarpment (being at least 4 storeys). The location is considered to justify a landmark response and, as such, the height of the buildings is not considered excessive.

Particular Purpose Zone 4 – Kangaroo Bay

Clause	Standard	Acceptable Solution (Extract)	Proposed
35.4.3 A1	Setbacks	The development complies with a 3 dimensional building envelope described within an approved plan of subdivision.	There are no such envelopes described in the plan of subdivision.

The proposal must be considered pursuant to Performance Criteria P1 of the Clause 35.4.3 for the following reason.

Performance Criteria	Assessment
“(a) setbacks from frontages to the boardwalk and Kangaroo Bay Drive are to be sufficient to contain activities within development forecourts;	It was identified through the previous application assessment that the frontage to the boardwalk contained a “pinch point” to the southern side of Building 1, which would impact the free flow of pedestrians and cyclists around a 90° bend. This issue has been satisfactorily addressed by the new proposal.
(b) setbacks between buildings are sufficient to allow for view corridors through and beyond the area”.	The setback between Buildings 1 and 2/3 and between Buildings 2 and 3 are considered to create appropriate view corridors.

Road and Railway Assets Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E5.5.1 (A3)	Existing road accesses and junctions	The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	The applicant's TIA estimates a total of 1,640 vehicle trips per day.

The proposal must be considered pursuant to Performance Criteria P3 of the Clause E5.5.1 for the following reason.

Performance Criteria	Assessment
<p>“Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <p>(a) the increase in traffic caused by the use;</p> <p>(b) the nature of the traffic generated by the use;</p> <p>(c) the nature and efficiency of the access or the junction;</p> <p>(d) the nature and category of the road;</p>	Kangaroo Bay Drive was designed and built to facilitate the intensity of development proposed. As advised above, the applicant has submitted a TIA which has been accepted by Council's Traffic and Development Engineers in respect of impact on the efficiency of the road network.

<p>(e) <i>the speed limit and traffic flow of the road;</i></p> <p>(f) <i>any alternative access to a road;</i></p> <p>(g) <i>the need for the use;</i></p> <p>(h) <i>any traffic impact assessment; and</i></p> <p>(i) <i>any written advice received from the road authority”.</i></p>	
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- Parking and Access Code**

Under the code the objective is to ensure that there is enough car parking to meet the “reasonable” needs of the users of a use or development. Whilst the Scheme provides car parking requirements as the acceptable solution, the performance criteria allow assessment of other factors such as the sharing of car parking spaces by multiple uses and analysis of specific demand.

The applicant has provided a TIA which considers parking generated under the Scheme and identified specific uses under the Roads & Maritime Services NSW (RMS) Guide to Traffic Generating Developments 2002.

Council’s Traffic Engineer has further considered the demand generated and notes that the RMS guide generally provides a model for hotels within a significant metropolitan CBD where public transport and carparking demand is quite different. The Kangaroo Bay site is unique with very limited surrounding on-street parking or an overflow area to accommodate additional parking needed. The area, as it grows will have competing need for parking and the development should provide sufficient car parking to satisfy the need it will create.

- Hotel Parking Generation**

Under the Scheme, the requirement would be 1 space per bedroom/serviced apartment being 109 spaces. The typical parking generation from a 3 or 4 star hotel is considered in the TIA, however, due to the location and proximity from other services, CBD, public transport, Council’s Traffic Engineer considers a slightly higher generation should be applied.

The RMS guide suggests 1 space per 4 rooms for a 3 or a 4 star hotel,

however, 1 space per 3 guest rooms is a more realistic approach for this development and some provision for staff parking. Council's Traffic Engineer considers that due to the size of the hotel, 0.3 spaces per 1 staff member would be appropriate (assuming 50 staff in total operation). As such, a total of 51.3 car parking spaces are required.

- **Hotel Restaurant and Bar**

The applicant has stated that the total capacity for the restaurants and bars is 180 seats which would also be consistent with the Scheme and RMS Guide. It generates a requirement of 60 car parking spaces. The applicant's TIA makes the case that a significant percentage of seats would be ancillary to the hotel (ie the demand would come from guests). Council's Traffic Engineer accepts the applicant's TIA which proposes a discounting of 40% for hotel guest and provides a discounted demand of 36 car parking spaces.

- **Retail**

The applicant has specified a gross floor area of 337m² which requires 1 car parking space per 30m² and results in a total requirement for 11.23 car parking spaces.

- **Educational**

The applicant has specified that the educational facility is to comprise 105 students and 20 staff. Under the Scheme a tertiary institution requires 0.5 spaces per member of staff and 0.1 for each student. The total parking demand generated by this facility is 20.5 car parking spaces.

- **Function Centre**

The specified size of the function centre is a capacity of 120 seats. The Scheme requires one car parking space per 3 seats (being a total of 40 car parking spaces). The applicant's TIA proposes that 40% of delegates or guest would stay at the hotel, which is accepted by Council's Traffic Engineer. This results in a total requirement of 24 car parking spaces.

The total requirement generated by the development is calculated to be 143 car parking spaces. The advertised plans identify a total of 70 car parking spaces on-site, creating a shortfall of 73 car parking spaces.

Parking and Access Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E6.6.1 A1	Number of Car Parking Spaces	<p>The number of on-site car parking spaces must be:</p> <p>(a) no less than the number specified in Table E6.1;</p> <p>except if:</p> <p>(i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p>	As per the above discussion, the car parking provision does not satisfy Table E6.1
E6.6.1 A2	Number of Car Parking Spaces	No Acceptable Solution	Refer P2 (below)

The proposal must be considered pursuant to Performance Criteria P1 and P2 of the Clause E6.6.1 for the following reason.

Performance Criteria	Assessment
<p><i>“The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</i></p> <p><i>(a) car parking demand;</i></p> <p><i>(b) the availability of on-street and public car parking in the locality;</i></p> <p><i>(c) the availability and frequency of public transport within a 400m walking distance of the site;</i></p> <p><i>(d) the availability and likely use of other modes of transport;</i></p> <p><i>(e) the availability and suitability of alternative arrangements for car parking provision;</i></p> <p><i>(f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;</i></p>	<p>The car parking demand generated is below that prescribed in the Scheme, however, because of the mix of uses it is considered that some discounting is justified.</p> <p>It is considered that there is insufficient on-street car parking in the locality to discount spaces.</p> <p>The recent works to Kangaroo Bay Drive are significant and were designed to enable a public transport corridor to occur (for example the cul-de-sac head has been designed to accommodate turning for Metro buses). Notwithstanding, there is not considered to be sufficient service at present to warrant discounting of spaces on this particular basis.</p> <p>Whilst other modes of transport are encouraged, it is considered that this is currently, and in the foreseeable future, insufficient to warrant a discounting of car parking.</p> <p>There are no alternative arrangements proposed.</p> <p>As discussed above, the (in-part) ancillary nature of the bar, function centre and restaurants to the guest accommodation allows for some discounting of the parking requirement.</p>

(g) <i>any car parking deficiency or surplus associated with the existing use of the land;</i>	There is no deficiency or surplus identified as part of this site.
(h) <i>any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;</i>	not applicable
(i) <i>the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;</i>	It is considered appropriate to seek a financial contribution in-lieu of parking. There are a number of options available to Council in the vicinity to develop car parking.
(j) <i>any verified prior payment of a financial contribution in lieu of parking for the land;</i>	No prior payments have been made.
(k) <i>any relevant parking plan for the area adopted by Council;</i>	Not required in these circumstances.
(l) <i>the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;</i>	not applicable
<i>Use and Development on land within the Activity Centres specified in Table E6.3 must make a cash-in-lieu payment for any deficient spaces at the rate specified in Table E6.3. Alternative arrangements may be made in accordance with any parking plan adopted by Council”.</i>	There is an identified shortfall of 73 spaces based on the advertised plans. As such, a cash-in-lieu contribution of \$730,000 (based on the \$10k per space rate for Bellerive) is recommended.

Parking and Access Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E6.6.3	Number of Motorcycle Parking Spaces	The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces, except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.	Three motorcycle parking spaces are proposed. Based on the number of on-site car parking spaces proposed, it would be appropriate to have a commensurate amount of motorcycle spaces (3.5), being 4 in total to the nearest whole number. It is recommended that a condition be applied to any permit requiring the additional space.

The proposal must be considered pursuant to Performance Criteria P1 of the Clause E6.6.3 for the following reason.

Performance Criteria	Assessment
<p><i>“The number of on-site motorcycle parking spaces must be sufficient to meet the needs of likely users having regard to all of the following, as appropriate:</i></p> <ul style="list-style-type: none"> <i>(a) motorcycle parking demand;</i> <i>(b) the availability of on-street and public motorcycle parking in the locality;</i> <i>(c) the availability and likely use of other modes of transport;</i> <i>(d) the availability and suitability of alternative arrangements for motorcycle parking provision”.</i> 	It is recommended that a condition be applied to any permit requiring the additional space.

Parking and Access Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E6.7.11	Bicycle End of Trip Facilities	For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.	information not provided

The proposal must be considered pursuant to Performance Criteria P1 of the Clause E6.7.11 for the following reason.

Performance Criteria	Assessment
<p><i>“End of trip facilities must be provided at an adequate level to cater for the reasonable needs of employees having regard to all of the following:</i></p> <p><i>(a) the location of the proposed use and the distance a cyclist would need to travel to reach the site;</i></p> <p><i>(b) the users of the site and their likely desire to travel by bicycle;</i></p> <p><i>(c) whether there are other facilities on the site that could be used by cyclists;</i></p> <p><i>(d) opportunity for sharing bicycle facilities by multiple users”.</i></p>	The applicant has indicated acceptance of providing facilities and this can therefore be a condition of approval.

Inundation Prone Areas Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E15.7.2 A1	Coastal Inundation Medium Hazard Areas	For a new habitable building there is no Acceptable Solution.	The building has a minimum finished floor level of 2.7m AHD

The proposal must be considered pursuant to Performance Criteria P1 of the Clause E15.7.2 P1 for the following reason.

Performance Criteria	Assessment
<p><i>“A new habitable building must satisfy all of the following:</i></p> <p><i>(a) floor level of habitable rooms, and rooms associated with habitable buildings (other than a dwelling) that are either publically accessible, used frequently or used for extended periods, must be no lower than the Minimum Level for the Coastal Inundation Low Hazard Area in Table E15.1;</i></p> <p><i>(b) risk to users of the site, adjoining or nearby land is acceptable;</i></p> <p><i>(c) risk to adjoining or nearby property or public infrastructure is acceptable;</i></p> <p><i>(d) risk to buildings and other works arising from wave run-up is adequately mitigated through siting, structural or design methods;</i></p> <p><i>(e) need for future remediation works is minimised;</i></p> <p><i>(f) access to the site will not be lost or substantially compromised by expected future sea level rise either on or off-site;</i></p> <p><i>(g) provision of any developer contribution required pursuant to policy adopted by Council for coastal protection works; except if it is development dependent on a coastal locationR1”.</i></p>	<p>All 3 buildings have a minimum finished floor level not less than 2.7m AHD.</p> <p>Council’s Development Engineer notes that there are few buildings close to the site, and those that are, have habitable rooms located significantly above the modelled 1% Annual Exceedance Probability for the year 2100.</p> <p>The risk to users of the site and nearby users is not considered to be proportionally increased by the proposed development.</p> <p>Similarly, there is no increased risk to nearby property or public interest. There is no additional risk considered.</p> <p>The risk of future remediation is minimal.</p> <p>Access is not considered to be compromised.</p> <p>No policy or contribution is required.</p>

Hotel Industries Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E26.4	Application Requirements for the Hotel Industries Code	The Hotel industry must: (a) use existing floor space within an shopping centre complex; and (b) be at least 100m from a residential or Community Purpose zone, as measured from the premises to be occupied.	The proposal is for a new development and the Hotel Industry is occurring within a building which is within 100m of the General Residential zone.

The proposal must be considered pursuant to Performance Criteria P1 of the Clause E26.4 for the following reason.

Performance Criteria	Assessment
<p><i>“The operation of Hotel industry uses must:</i></p> <p><i>(a) not have an unreasonable impact on the amenity and safety of the surrounding uses, having regard to the following:</i></p> <p><i>(i) the hours of operation and intensity of the proposed use;</i></p> <p><i>(ii) the location of the proposed use and the nature of surrounding uses and zones;</i></p> <p><i>(iii) the impact of the proposed use on the mix of uses in the immediate area;</i></p>	<p>The applicant has not applied for hours of operation on the basis that the hotel, having consideration to its guests, will effectively be self-regulating. However, the applicant is agreeable to a condition of approval that the bar, restaurants and function centre be limited to hours of operation between 6am-12am. This is considered acceptable given the specific circumstances discussed below.</p> <p>The hotel uses (bar, restaurants and function centre) are all located within Building 1 and are orientated north towards Kangaroo Bay and away from residences.</p> <p>Apart from residential uses in the vicinity, there are no other uses which might be adversely impacted.</p>

<p>(iv) <i>the cumulative impact of any existing hotel industry uses and the proposed hotel industry on the amenity of the surrounding area;</i></p> <p>(v) <i>methods to be employed to avoid conflict with nearby sensitive uses, including houses, schools, community facilities and the like;</i></p> <p>(vi) <i>the impacts of light spill on adjacent properties;</i></p> <p>(vii) <i>possible noise impacts and proposed noise attenuation measures, including no amplified music audible outside the property;</i></p> <p>(viii) <i>impacts on traffic and parking in the vicinity;</i></p> <p>(ix) <i>any other measures to be undertaken to ensure minimal amenity impacts from the licensed premises during and after opening hours;</i></p> <p>(x) <i>the need for security personnel to control behaviour around the site;</i></p> <p>(xi) <i>the use of landscaping to enhance the appearance of the site used for hotel industry; and</i></p> <p>(xii) <i>demonstration that the outcomes of the Hotel Industry Impact Assessment have been satisfied.</i></p>	<p>The nearest hotel use is the Clarence Hotel which is over 200m away and directed at a different clientele and offers a drive through bottleshop.</p> <p>Whilst the bar and function centre may fall within the assessment criteria of the Code they are essentially uses subservient to the hotel and would not have the same impact that pubs and clubs might have on sensitive uses.</p> <p>There is no light spill issues created by the bar or function centre.</p> <p>A recommended condition of any permit provides for limits on noise emissions as agreed with the applicant.</p> <p>Impacts on traffic and parking are covered in the discussion under the Access and Parking Code.</p> <p>The potential amenity impacts are considered to be minimal as they are integral uses to the primary hotel (accommodation) use.</p> <p>The nature of the use is unlikely to warrant such measures.</p> <p>The building and surrounds can be designed to the highest standards in accordance with the design principles established by Mr Woolley.</p> <p>The HIA recognises the subservient nature of the bar and function centre and the outcomes can therefore be readily satisfied.</p>
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(b) <i>ensure that signage is limited in order to avoid clutter and reduced streetscape qualities, especially where shared with a residential zone;</i>	Signage is a matter for future application.
(c) <i>not provide outdoor seating on a free standing bottle shop site;</i>	not applicable
(d) <i>not provide a drive through facility on a free standing bottle shop site;</i>	not applicable
(e) <i>be designed and operated in accordance with the principles of Crime Prevention Through Environmental Design, including:</i> (i) <i>reducing opportunities for crime to occur;</i> (ii) <i>providing safe, well designed buildings with appropriate opportunities for surveillance of the surroundings;</i> (iii) <i>minimising the potential for vandalism and anti-social behaviour; and</i> (iv) <i>promoting safety on neighbouring public and private land”.</i>	The building and surrounds can be designed to the highest standards in accordance with the design principles established by Mr Woolley and will be secure.

Public Art Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E24.6	Use or Development Standards for the Public Art Code	Developments with development costs over \$1M must: (a) provide a contribution to public art at a ratio of 1% of the cost of the development, up to a maximum of \$20,000. Such contribution must be made as a cash payment to the Clarence City Council Public Arts Fund to be allocated to public art on public land within the precinct containing the development site.	The applicant has indicated a desire to provide artwork(s) on the subject site.

The proposal must be considered pursuant to Performance Criteria P1 of the Clause E24.6 for the following reason.

Performance Criteria	Assessment
<p><i>“Developments with development costs over \$1M must:</i></p> <p><i>(a) provide public art works valued at a ratio of at least 1% of the cost of the development, up to a maximum of \$20,000. Such contribution must be provided in a form and location agreed to by Council”.</i></p>	To be a condition of any permit.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 148 representations were received (some included multiple representations from the same household). The following issues were raised by the representors.

Issue	Representation	Comment
Better than first DA - but still object (70)	<ul style="list-style-type: none"> New DA is a mild improvement on the first. Pleased to see an attempt to preserve a partial view of the bay and a greater setback in part to Cambridge Road. The initial plans the buildings on Clarence Street were too high, too long and too close to the road. Revised plans are a big improvement. Visually the complex is a little more appealing, especially from the Cambridge Road. The reduction in height of the buildings on Cambridge Road, as well as its relocation further from the road and the proposal to split the building into 2 will mean some views to the waterfront will still exist. The current proposed facade is also far more attractive than the original. The curves in the new design appear much softer than the original planned one solid structure, and with trees to soften the front of the building on Cambridge Road it will not be such a blot on the landscape. 	<p>Comments noted. A ferry terminal is not part of this development application.</p> <p>All these representations provided positive comments but overall objected to the development application</p>

	<ul style="list-style-type: none"> • Love the design concept for the new hotel. Yes it will be big, but if exterior cladding is done well it will be magnificent. • Apartments have been staggered and aligned better to face down the bay to capture the views. • Ferry terminal a positive for Kangaroo Bay. Existing terminal near the Clarence Bistro does not get great usage and can be exposed in the weather. • The reduction in height of the Cambridge Road apartment building is welcomed, as is the setback and landscaping of the street frontage to this busy street. • The new DA does address some issues, and we are thankful to Hunter Development for this. • It is recognised and appreciated that an effort has been made to try and reduce the mass and visual impact of the building. 	
Support Application (7)	<ul style="list-style-type: none"> • While it is still far outside the original publically agreed guidelines for development in the area, it is an improvement on the previously approved application. • Would like to express gratitude to the Council members who have had the good foresight to propose this and create many other recent impressive improvements along the bay. 	comments noted
Visual Impacts (103)	<ul style="list-style-type: none"> • The proposed buildings are hideous. • Scale and size: the proposed buildings are disproportionately large in scale and size relative to surrounding buildings, and insensitive to the surround buildings in terms of Height and width. • Ugly and oversize. • Whilst I like the overall design and footprint of the hospitality school, the exterior decor is hideous with all of that twisted metal all over it!! Not at all in keeping with the beautiful surroundings. 	Most of these representations were concerned with the height and scale of the buildings. Specifically that they are considered disproportionately large in scale and size relative to surrounding buildings and are inappropriate to the area. The apartment/hospitality building particularly is considered by some to be too high. One representor claims that Building 1 is now higher than the current permit.

	<ul style="list-style-type: none"> • The design is hideous. • The height and style of the proposed buildings are not in keeping with other buildings in this precinct and will create an eyesore on a beautiful foreshore area. • Significant loss of view by a large number of residents, and no building setbacks and screening trees need to be planted on public footpaths. • The style of architecture and height of the proposal are wrong for Bellerive. • Buildings fronting Cambridge Road will detract from the views and outlook for nearby residences. • The hotel appears to be higher than on the original proposal. • Taking up all the lovely views. • It should be a building to be absorbed into the local scenery. • Height and style is inappropriate for the “Village” atmosphere of Bellerive Village and surrounding area. • The building on the waterfront will create a “wall” between Kangaroo Bay and the Bellerive waterfront, with views from one side to the other completely blocked. • Inappropriate height and “blocky” style of both these buildings in an area that the community had previously been advised would be dedicated to open community spaces and low rise buildings (as documented in the Kangaroo Bay Urban Design Strategy Plan). • I would like to see the Council conform to its 2015 Planning Scheme and enforce a maximum 2 storey high limit along Cambridge Road with a sensible set back from the road. This will ensure the residents along Cambridge Road maintain their vista and the historical integrity of Bellerive is maintained. 	<p>A number of representors consider that the 2 storey acceptable solution for the zone should be observed; however, that is only one alternative to meet the zone standard.</p> <p>Building 1 is the same height as originally approved by Council on 23 January 2017 and has been separately confirmed with the architects. The zone standard for height can be met by compliance with either the acceptable solution or the performance criteria. It has not been amended as was claimed in one representation. As previously discussed, the performance criteria provides for increased height of buildings in the Wharf area where the development incorporates a scale and architectural response that is cognisant of its location and visual importance in the Bay and surrounds. The desired future character statement specifically identifies this site and requires “...a feature architectural element cognisant of its location and visual importance in the Bay while maintaining public access and activity around its periphery”. In particular, one of the Local Area Objectives identifies the old ferry terminal to provide “...an important destination and built form focus...”. As such, the height is considered to be appropriate for this site.</p> <p>A number of representors considered the setbacks of proposed Buildings 2 and 3 to the boundary with Cambridge Road are insufficient.</p>
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	<ul style="list-style-type: none"> • The application where it says there is only one house affected that will lose views, but in fact the entire community will lose this beautiful view. • The height needs to be kept to a minimum so as not to dominate the waterfront. • I have no problem with the hospitality school building (eg the one that was initially approved/advertised) but am disgusted by the second building proposal. • The elevated walkway linking the 2 proposed buildings is “pig ugly” and, in my opinion, will forever have a negative impact on the community’s enjoyment of Kangaroo Bay views. If the developers want to link the 2 buildings, they should build an underground walkway. • It will monopolise the bay. • Building is too close to the road with insufficient setback. • The public area has been enhanced by recent landscaping and play equipment which will be marred by privately owned buildings of inappropriate height. • It is akin to Empress Towers in Battery Point which is now recognised as a totally inappropriate development. • Serious shadow casting. 	<p>Building 3 is setback at least 2.5m at ground level and Building 2 is setback between 2.6m - 8.25m at ground level from Cambridge Road. There is no setback specified in the Scheme and the Objective of the standard is to provide visual permeability and integration with public spaces (ie Kangaroo Bay Drive and the boardwalk). The building setbacks to Cambridge Road are therefore considered compliant with the Scheme and accepted by Council’s Urban Design Consultant.</p> <p>A number of representors expressed concern about the general scale, massing and setbacks from Cambridge Road of the development particularly in relation to loss of views. Whilst there are no specific standards relating to massing and loss of views, the Local Area Objectives and Desired Future Character Statements seek to achieve view corridors between buildings both along Kangaroo Bay Drive and from Cambridge Road. Building 1 achieves this as it is set apart from any other buildings and the separation around Buildings 2 and 3 creates view corridors from Cambridge Road.</p> <p>There were a number of representors who commented on the overall design and finishes of the proposal. Some of those critiques judged the buildings hideous, ugly, an eyesore, blocky, monolithic and pig ugly, as well as being inappropriate in respect of the character of the area.</p>
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Lack of consultation/transparency (44)	<ul style="list-style-type: none"> • Council has not asked ratepayers but just told ratepayers this was it, take it or leave it. • Lack of consultation regarding proposed development and lack of transparency in the planning process. • Lack of adequate community consultation when the DA was originally lodged in December 2016. • The changing of height restrictions to facilitate application has made community feel powerless and disadvantaged. 	<p>The current Scheme controls have been formulated after an extensive process of community and stakeholder consultation leading to the formal adoption of the Kangaroo Bay Urban Design Strategy and Concept Plan (Masterplan) in 2008. From this process, Scheme controls were formulated and approved by the Tasmanian Planning Commission in the Clarence Planning Scheme 2007.</p>

	<ul style="list-style-type: none"> • The current development application still “by-passes” the fact that the whole original deal and plan acceptance by Council was done deliberately, swiftly and with minimum consultation with ratepayers over the Christmas period. • Lack of strategic vision and planning by CCC for this iconic area in Clarence and the ad hoc development process CCC has allowed itself to become engaged in. This has led to a loss of transparency and community confidence. • CCC has a responsibility to further consult with the community. • Whilst the initial building was reported in the press, approval for the second building was “snuck” through the Council planning process over the Christmas/New Year period last year and officially notifying only 120 properties directly bordering the site. There was no publicity around this second building and zero community consultation. • Groups such as Bellerive Bluff Land and Coastcare not informed of previous or current application for development. • It has been brought to my attention that the Council has acquired a number of houses that overlook the proposed Kangaroo Bay development. This suggests that there are future plans for this area and I urge the Council to make sure the whole community has the opportunity to be involved in this process and not only after a deal has been done with a developer. • Our advice has been approval of this second application will not void the first approval, so the community has no guarantees once ownership of the crown land and public land has been transferred to Chambroad Petrochemicals, which development approval will be constructed. 	<p>The controls were later transferred across to the Clarence Interim Planning Scheme 2015.</p> <p>There has been no change to height restrictions in the Scheme.</p> <p>As such there has been strategic planning for the area and consultation with the community outside of the current statutory LUPA Act process.</p> <p>Under the LUPA Act, all applications lodged under Section 57 must be notified for 14 days and in accordance with the Regulations. As with the previous application, this application was advertised for 21 days (being half the statutory timeframe Council is required to determine the application). The number of properties notified of the application is in excess of the statutory requirement.</p> <p>Council has no control over the point in time at which an applicant chooses to lodge a development application or when sufficient information is provided to enable notification. The applicant has a current planning permit for the development which was approved by Council on 23 January 2017. The applicant has indicated its willingness to make significant changes to the proposal in order to address some of the concerns raised by some sections of the community.</p>
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	<ul style="list-style-type: none"> • What guarantees does the Council have that if the amended DA is approved, the developers will not continue with the original DA? • There is also the threat to the community, if there are any appeals lodged to the Planning Tribunal over this new application, Chambroad will revert to the original approved application. This is unacceptable behaviour for any company or treatment of a community where the developers want to operate a successful business. • I understand that, should the public disapprove of this second DA, then the first approved DA would be re-instated. This is concerning as the community is comprised of well informed, experienced and good hearted people, with only the best interests of Kangaroo Bay in mind. • Clarence Council have not been honest with the BYC in any dealings with respect to this development. • We were led to understand that the development would be in keeping with the surrounding streetscape and will be appropriate for the area and in particular given the stunning vista. However, the proposed building exceeds expected height limits, as originally set out in the Council planning scheme. • When the public consultation was held for the designation of this land for the project, it was for a building several storeys lower than the one in the current (revised) plans. You have effectively not held a public consultation for this development. • Perhaps CCC will consider addressing concerns through appropriate consultation with the community, ensuring that the majority “approve”. 	<p>Should Council approve the application, the first permit will still remain valid although it is unlikely the developer will want to implement this permit having delayed a start by the second application.</p> <p>The proponent has expressed its position on Page 3 of the Consultants planning report “This second application is made as a refined design for the site and is in part a response to the representations raised. Although no planning appeal was lodged by the representors at the time, the architect has chosen to consult with members of the community to reach a design which better reflects their visions for the area while still responding to the needs of the applicant and the planning legislation. There are no guarantees that can be provided.</p>
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<p>Alternate Use/not appropriate (53)</p>	<ul style="list-style-type: none"> • Area should be left open as public space. • Foreshore should not be built on unless it is low rise recreational development related to the water, such as a yacht club or a lifesaving club. Otherwise foreshore should be left for the public to enjoy with parkland, walkways and unspoilt views. • Not suitable development for this area, mainly as it will be too high, and also it will not be aimed at local and tourist enjoyment of our fabulous foreshore. • Unsuitable for area. • Kangaroo Bay does not need any hotel, apartments down on the foreshore. Whole area needs to be for the community not for just a few. • Not in keeping with the local environment and standards established • Grossly over development for the Bellerive Village and the beautiful Yacht Club, foreshore, walking and cycling tracks and Heritage buildings. • A lot of money has been invested in the area to create a continuous community access to the foreshore with the Boardwalk and the lovely park now created in Kangaroo Bay. However, this plan totally disconnects the two areas. • Bellerive Village is about shops and restaurants, not Hospitality schools and multi-storey motels. • It is short-sighted and a poor reflection on the Council's commitment to positive progress in the Clarence Municipality. • Destroys Bellerive village atmosphere. • The unique character and outlook with such beauty is rarely seen anywhere in world and would serve us all well in the future if preserved. • The works done in this area so far are excellent and the green space should have been extended right through to the yacht club as open public space. 	<p>The masterplanning of the area has been undertaken for many years and forms the basis for the current Scheme development controls. The concept has not been to create a vast area of open space but to develop feature architecture whilst opening up the foreshore to the public (something that has been prevented for many years by the old ferry terminal building).</p> <p>Market need for hotel rooms and apartments is not a valid concern under the LUPA Act and Scheme provisions.</p> <p>The concept has embraced the provision of foreshore walking and cycling tracks; rather than causing a disconnect, it actually provides or formalises links</p> <p>The uses applied for are provided for under the Scheme and are therefore appropriate uses in Kangaroo Bay</p> <p>The development is considered to be in accordance with previous masterplanning of the area and Scheme controls.</p> <p>The development is part of a wider vision for Kangaroo Bay and Bellerive Village. It would seem to be contributing to such a concept?</p> <p>The application area comprises the former ferry terminal building and a weatherboard house (both recently demolished) and a relatively small amount of gravelled area (occasionally used as an overflow carpark). It is unclear what activities will be lost or would be able to be accommodated in other parts of Bellerive Village or Kangaroo Bay.</p>
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	<ul style="list-style-type: none"> • What is needed is something similar to Southbank in Brisbane. An area that can be enjoyed by everyone, restaurants and cafes, parklands and cycle ways. • The loss of potential future public open space directly accessing the waterfront. Open space will be needed for festivals, carnivals and boating related activities. • Not in keeping with the community and recreational character of Kangaroo Bay and will impede our free use of the bay. It is simply not appropriate here. There is already a hotel at the mouth of the bay; we do not need 2 hotels here. • Over development of the site. 	<p>The application, as lodged by the proponent, is a matter for Council to determine under the provisions of the Scheme. The viability of the proposed uses is not a matter of determining weight.</p>
Lack of Car Parking (94)	<ul style="list-style-type: none"> • Lack of parking for Bellerive Yacht Club Members and residents of nearby streets. • There is not sufficient parking relative to the number of guests and staff who will be staying/ working there. • Advice on how and where Council is going to provide for the car parking that is lacking with these applications and the future developments that Council is keen to achieve in the Kangaroo Bay precinct. • Already impossible to get all day parking in this area. • Where will cars park when yachting events are held? • Lack of future parking for proposed ferry service? • Bus travel; No-one will walk 630m to the terminal, buses, taxis must coincide with departure and arrival of ferry facilities, (Cambridge Road, is too congested to park). • Separate parking for bus/taxi commuting must be provided (Terminus) within the area, to all destinations of the Eastern shore to ensure a ferry service is well catered by local eastern shore clientele. (Otherwise it will become a “white elephant”). 	<p>The realignment works to Kangaroo Bay Drive and the signalisation of its junctions with the wider road network have been designed to accommodate development of the type applied for. Therefore it is considered that the local road network is able to cope with the additional demand created by this development.</p> <p>The car parking generated by the development has been calculated in Section 4.3 of this report and the shortfall is considerable. Whilst a cash-in-lieu contribution which covers this shortfall is considered appropriate it is also acknowledged that the development and the local area will not function effectively without the development of public car parking which is at least commensurate with the shortfall of demand generated by the development.</p>

	<ul style="list-style-type: none"> • When the development is completed, where will the existing cars from the Wednesday night twilight sailing participants park? • I believe that York Street (where we have a drive way) and similar side streets will have increased cars parking all day (or night). This will impact residents and because the street is so narrow will also impact traffic flow in the street. • I would also appreciate some additional information, if available, about what is planned for the Yacht club car space and pump shed area which is directly in front of our property? • The assessment indicates 70 off street parking spaces and a further 10 short term drop off spaces are proposed on the access road. The Planning Scheme Parking requirements are 190 spaces – a shortfall of <u>120</u>. The club current Crown Licence car park area is to be used as overflow parking; this will have a major impact on club members and guests parking during our peak summer and sailing event days/evenings and general business days. • Half the shop owners/employees already park in the yacht club car park while the rest are scattered around the Bluff, York Street etc. • There's nowhere else for people to park and there's no alternative places to build a car park. • When the ferry service operated from the terminal after the Tasman Bridge collapsed, the traffic congestion was ridiculous and serious accidents occurred often. The parking allocated at the time was grossly insufficient and cars were parking on nature strips because there was simply nowhere else to park. I would not like to see a repeat of that if a ferry service was introduced. 	<p>To this end, it is imperative that Council identifies and develops a suitable site for car parking to coincide with the commencement of the land uses that are the subject of this application.</p> <p>Whilst Council engineers may not agree with some of the conclusions in respect of parking requirement, they have agreed a parking figure which can be supported.</p> <p>The proposal has a shortfall of 73 car parking spaces, which is just over half the estimated need generated by the uses. With such a large cash-in-lieu contribution, Council will need to locate appropriate and convenient car parking in proximity to the development. There is no suggestion that overflow parking would take place on land used by the BYC for car parking, but should this occur in the future, suitable measures could be implemented to manage additional parking demands. In respect of other competing pressures for car parking, Blundstone Arena has a number of options available for parking, Council events are manageable and overflow car parking for Eastlands staff is a short term arrangement for which the Centre management will have to find alternative arrangement when the blocks along the boulevard are developed.</p>
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	<ul style="list-style-type: none"> • No clear indication as to how and where parking will be provided. Parking issues should have been addressed before any development consideration or approval. • Not enough parking and we do not need another multi-level carpark here. Put a multi-level one above Village Cinemas car park. • Parking is already at a premium in this area particularly race days of the BYC including Wednesday nights, major events at Blundstone Arena, events held on the Broadwalk (usually run or sponsored by the Clarence City Council) eg Christmas Carols, Jazz Festival etc, overflow of shoppers at Eastlands Shopping Centre, particularly in the lead up to Christmas. • The hospitality school, I am sure will eventually be turned into parking for the 24 apartments, as there is a short fall in the Planning for this development. • Statements in the Conclusion of the TIA need to be tested before the DA is approved. For example, “there may be alternative parking arrangements possible in nearby land that can be utilised for TAFE and/or staff parking” – that parking should be secured before any DA is approved. • The TIA contains many unsubstantiated statements which unfortunately detract from the credibility of the Assessment – such as: • Note that it is likely that students and staff are likely to access the site via public transport and walking modes. What is the basis of this statement? • The location of the proposed hotel is likely to attract guests who do not require a car. What is the basis of this statement? 	<p>Whilst the TIA makes a number of assertions that may not be agreed by all, Council’s traffic and development engineers have generally supported the conclusions of the assessment although have disagreed with some of the recommendations. For example, there is a difference of opinion in respect of the parking requirement generated by the development.</p> <p>The cash-in-lieu payment per car parking space (\$10k) is roughly commensurate to the cost of construction.</p> <p>Access has been guaranteed through the subdivision of the subject site. Similarly, the proposal is not taking away from the BYC’s existing leases and overflow parking areas. Management of the access to the BYC and or identification of additional public parking commensurate with the shortfall of hotel parking will ensure that no additional pressure will be exerted on the BYC arrangements.</p> <p>Should on-street parking become an issue in surrounding residential streets, Council would be able to limit parking to resident only parking permits.</p>
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	<ul style="list-style-type: none"> Some on-street parking is available in Kangaroo Bay Drive. This parking is currently utilised for recreational use of the Kangaroo Bay area with varying demands. Various site investigations were undertaken on weekdays and weekends and during all times existing parking demand was very low. Total fabrication – almost impossible to find a parking spot on weekends. Application provides merely less than half of the total number of required spaces, meaning we, the ratepayers, will foot the remaining cost. I envisage parking meters will start to pop up in the village, and at this stage Bellerive will have well and truly lost its soul. The BYC seeks assurances that adequate parking and access will be available to the Club. 	
Traffic (71)	<ul style="list-style-type: none"> In relation to the increased traffic in the area. This is going to be an on-going problem and needs addressing. As a concerned resident, we have watched children being dropped off at the end of Pembroke Place to visit the skateboard park, the oval, the shopping centre and attend the college. There is no marked crossing and no designated drop off area along Kangaroo Bay Road. This makes it dangerous to both pedestrians and motorists. The proposal is adding ~1600 cars a day. In addition we are adding TAFE traffic to school traffic, so peak traffic will be a nightmare. What short and long term plans have been considered by Council to allow for adequate traffic flow along this main arterial road? 	<p>The subdivision (SD-2013/32) of the area and associated works created new accesses to the development lots, a signalised junction at Cambridge Road/Alma Street and Kangaroo Bay Drive/Rosny Hill Road as well as the realignment of Kangaroo Bay Drive. It was designed to facilitate development of the type proposed. The types of driver behaviour described are not relevant to the determination of this development proposal and may be more appropriately managed by Council's rangers or Tasmanian Police.</p> <p>Buildings 2 and 3 are setback from the Cambridge Road reserve by between 2.6m - 8.25m and will have no impact on the safety or efficiency of the local road network.</p>

	<ul style="list-style-type: none"> • What happens when Rosny Hill Lookout development with its increased traffic flow into the area is up and running and these 2 traffic areas overlap and overload a system that is not equipped to cope - it will put a huge strain on the village infrastructure? • We are concerned that this development will bring in another 1800 vehicles to the area per day, thereby the possibility of making Bayfield, Ormond and Waverley Streets a “Rat Run” for people wishing to avoid the Clarence/Alma Street intersection. • Cambridge Road is very busy and very narrow already without making it even more dangerous by allowing buildings too close to the road. • An increase in traffic will impact on families whose children attend primary schools in the area. • The shared entrance/access off the southern end of the Kangaroo Bay cul-de-sac. With the repositioning of the buildings along Cambridge Road, retail spaces, a sky bridge, loading, drop off and pick up parking the entrance to the hotel will be potentially extremely hectic and unsafe. Add to this, taxis and other tourist vehicles and ferry passengers in the near future and the area will be very congested. • It is unlikely that hospitality students will be able to access suitable public transport due to the early and late hours that they work. 	<p>The TIA and Council’s engineers have not identified any unsafe conflict points with the access and drop off points. Should the application be approved detailed engineering designs will be required for this area which satisfy relevant standards and sight distances.</p> <p>Metro Tasmania operates regular bus services along Cambridge Road past the site. The Rosny Bus interchange is located approximately 630 metres from the subject site. Students could be expected to have regular classroom time during normal business hours.</p> <p>Council’s Engineers are satisfied that the access arrangements are sufficient for both the subject DA and use by BYC if the existing access from Cambridge Road is closed.</p> <p>Whilst the representor notes issues not factored in the TIA, Councils Development and Traffic Engineers do not believe that these issues would have a significant impact on the conclusions of the assessment because the parameters of the development are well within the capacity of the local road network.</p>
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	<ul style="list-style-type: none"> • There was also some concerned with the Traffic Assessment that there was no mention in the Traffic Generation rates of the shared access from Kangaroo Bay Drive to the club crown leases (parking and marina) and the club freehold property in line with 4. 4. 10 of the Kangaroo Development Plan. This access would facilitate the closure of the club Cambridge Road access which is dangerously close to the Cambridge Road/Clarence Street Intersection. • Similar to the Bellerive Oval development, infrastructure may not support the increased traffic flow and parking requirements. • Council already has a good understanding of the issues Bellerive Yacht Club (BYC) have with parking and traffic management in this area, along with the calendar of events which the club provide for recreational boating which really require a concerted effort to be managed by both parties. Again, we would reiterate that events at Blundstone Arena have been increasing the pressure on the BYC club to accommodate or at least manage over flow car parking whilst the club additionally supports local businesses with car parking through its member base. • The Traffic Impact Assessment fails to recognised the following: <ul style="list-style-type: none"> a) The movement of traffic associated with the nearby schools and college. There is an obvious change in traffic flows and congestion in Hobart between school days and school holidays, and the difference is well documented. Within the traffic catchment for the site there are three schools and one college. 	
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	<ul style="list-style-type: none"> b) The traffic Assessment also fails to recognise the traffic associated with sailing club, in particular the Wednesday night sailing in summer, and weekend sailing events. c) The traffic Assessment similarity fails to recognise the Council's own community activities in the Bellerive Village area, the major sporting events at Bellerive Oval, the use of the Kangaroo Bay Sports Ground and new club house. d) Finally the Traffic Assessment fails to take account of the proposed future ferry pier and traffic movement that would result from that development. e) The Traffic Assessment uses crash data for the period 1 January 2011 to October 2016. Given the change in infrastructure in the immediate area of the site, more current crash data should have been used. f) It should also be noted no traffic count data is included in the report. It is unclear whether or not traffic count data was available. A traffic impact assessment which reports no actual traffic count is of limited value. The Traffic Impact Assessment simply predicts and increase in traffic but not how such an increase will affect current traffic flows. 	
Foreign developer (20)	<ul style="list-style-type: none"> • Disapproval of allowing foreign nationals to take over Kangaroo Bay and change the racial profile of the suburb. • Offshore development is a concern. I believe anyone developing here should be an Australian citizen first. 	<p>The nationality and citizenship of the owner/developer is of no relevance to Council as planning authority in determining the application.</p> <p>The eventual operator of the hospitality school is also not a valid planning consideration.</p>

	<ul style="list-style-type: none"> • Clarence City Council has sold the “Farm” to a foreign company. The community will not forget. • Kangaroo Bay should not be turned over to foreign investors. • Very disappointed in the Council Alderman who allowed a foreign company to buy our land and destroy our waterfront and views forever. • This development is anti-people in an area that should be developed for recreational use not lining the pockets of foreign nationals and others. • Not for the citizens to be at the behest of foreign investors who could sell the property when they desire. • A hospitality school for full-fee-paying students at a Masters level, without the involvement of Technical and Further Education (TAFE) Tasmania - that it is destined for foreign students only and not for our own young people. 	<p>The application must be determined on the basis of the Education land use and the physical development proposed.</p>
Sale of Public Land (24)	<ul style="list-style-type: none"> • Sale of public land to foreign entity: sale of public land without adequate consultation is deeply troubling and disappointing. There has been no transparency regarding both the transactions – (1) between state government and Clarence Council and (2) between Clarence Council and Chambroad Petrochemical Ltd. • This was crown land and should not have been sold off especially with so little consultation with the community. • The gifting of land for public use from the State Government to Council to be sold to a developer and the precedent this would create for other areas. • I still cannot believe that land given to the Council and held in trust for future generations was handed over so stealthily during the Christmas break to an overseas company. 	<p>The enhancement of Kangaroo Bay has been a longstanding strategic initiative of Council to create a precinct for recreation, retail, tourism, commercial and community uses and activities for residents and visitors. The land sale price of \$2.44m was the current market value of the site as advised by the State Valuer-General.</p> <p>The State Government was fully informed of the development potential of the land and the potential end purchaser.</p>

	<ul style="list-style-type: none"> • Once public land has been surrendered to private enterprise, it is unlikely to be returned to the citizens of the Clarence Municipality, and the Greater Hobart Community. Public land deserves to be maintained by Council for all to enjoy. • It is not right that our crown land is being gifted to a foreign company. • The recommendations of the Crown Land Assessment and Classification Project Consultation Report on Recommended Allocations for the Municipality of Clarence (October 2006) recommended that the land be made a Public Reserve under the Crown Lands Act. This recommendation should be implemented. 	
The role of TasTafe (4)	<ul style="list-style-type: none"> • Role of TasTafe's in this development is confusing: It appears TasTafe's involvement is superfluous, given that the qualifications offered are – Master of Business Administration (Hospitality Management). This is surely in the realm of the University of Tasmania NOT TasTafe. If so, what is the role of TasTafe? • In the initial proposal the school was purported to be a run by TasTAFE, community investigations have revealed this appears not to be the case and the school will be a tertiary level and full fee paying school. There also appear to be no agreements or course details either with Chambroad, the University of Tasmania or TAFE. The lack of design details for this hospitality school in this new application is of concern, what will this building actually be? Who will the courses be catering for, it is difficult to believe it will provide many locals with opportunities and employment as first muted by the Government. 	The application is for "Education" under the Scheme. As such, it is only the land use and physical development which can be assessed. Issues around the operation of the hospitality school do not have any determining weight under the LUPA Act and Scheme.

<p>Community Impacts & Access to Foreshore (57)</p>	<ul style="list-style-type: none"> • Lack of community access to the foreshore will be greatly eliminated from this area. Little economic benefit to local businesses following this influx of students. • Always being used by walkers and mothers with young children. The playground is designed for very young children and is used year round. • We need to remain connected, not separated by huge buildings which negatively dominate the landscape and cut people off. • With the above ground walkway between the 2 buildings, how are members of the Bellerive Yacht club who are trailer sailors meant to access the launching facilities? • The commercial benefit is not worth the negative impact on community wellbeing. You should not underestimate the value of our natural resources to community physical and mental health. • Once lost it will never be reclaimed and therefore ought to be respected and left in its present state. • Impact on tourism on the Bellerive neighbourhood will most definitely change forever the lifestyle that we currently enjoy. • Why should a hotel for visitors take precedence over the local residents. • The view across the water to the yachts is part of the sanctuary that is Kangaroo Bay and is unique to Bellerive and the community as a whole. • It will limit present and future opportunities for our health and community wellbeing. 	<p>The proposal ensures better than current access to the foreshore and a continuation of a multi user pathway/boardwalk around Bellerive, Kangaroo Bay and beyond. The regeneration of Kangaroo Bay has huge potential to benefit local business in Bellerive.</p> <p>The proposed hotel development will not inhibit usage of the area by children, walkers etc.</p> <p>The regeneration of Kangaroo Bay has the potential to have the opposite effect by better linking through from Rosny to Bellerive and thereby enhancing connectivity.</p> <p>Access is through the current and proposed access between the proposed buildings. The clearance between the glass walkway and the pavement is 6.5m.</p> <p>The proposal is a key development in regenerating Kangaroo Bay, providing an iconic development for use by locals, the broader community and visitors alike.</p>
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Heritage (12)	<ul style="list-style-type: none"> • Unfit for the natural heritage of the area. To have an eye-sore like the Menzies Centre with gaudy and tacky facia will be directly in opposition to the natural and historical design of surrounding residential housing. • Design not sympathetic to the history of the area. • Deface the natural beauty of this historic village by developing this project. • Disregards the Indigenous history and significance of the area. • Bellerive deserves development that showcases the natural beauty and features of the area, the height and style of the proposed buildings are inappropriate for Bellerive and do not pay homage to the historical factor of the buildings in the area. • With a significant rental shortage, and high demand for properties in Hobart, where would the workers' of this enterprise be accommodated? 	<p>There are no heritage controls applicable to the application site. The proposal has been designed by renowned architects and reviewed by a respected urban design consultant with comprehensive knowledge of the locality. Whilst it is accepted that the concept and design may not be supported by all sections of the community, it is considered to be an appropriate response in this location</p>
Climate Change (4)	<ul style="list-style-type: none"> • The lack of sufficient research and suitability into the positions of the lower foundations and lower floor level of the buildings considering the potential impacts of climate change and rising water levels. High tide water has been seen at the top of the boat ramp at the Bellerive Yacht Club. • High tide water has been seen over the retaining wall in the bay and over the pedestrian and bike path. 	<p>Significant research into climate change and sea level rise has been undertaken in the formulation of the current suite of Scheme controls. The ground floor level for all 3 buildings achieves the minimum height predicted for a 2100 event, and a further 300mm freeboard. Detailed designs for foundations are a matter for the applicant's engineer at the construction stage.</p>
Noise Levels (6)	<ul style="list-style-type: none"> • I noted on the proposal that Noise emissions measured at the 50m limit but sound travels, as I so well know from Blundstone arena when the sporting events are taking place. What type of events will be held at the centre in Kangaroo Bay? 	<p>By its very nature, construction will cause some disruption from time to time. Notwithstanding, works can be managed to reduce impact on residential amenity and it is therefore recommended that a construction management plan be a condition of approval.</p>

	<ul style="list-style-type: none"> • The DA notes that these buildings will be in use 24/7. I have concerns about the level of constant noise that will emanate from these buildings. I note the initial permit approval included provisions to limit noise and it would be appropriate to include this again if this proposal is successful. • Residents particularly on the north facing area of Bellerive Bluff have been impacted by industrial noise for many years caused by major construction work in the area such as the Bellerive Oval redevelopment (several months of rock removal before the construction began). The Montague Apartments and the nearly completed development on the boardwalk. The main noise nuisances (other than rock breaking) have been noise such as concrete trucks and beeping machinery. This noise has occasionally begun as early as 4.30am and continued intermittently all day. These noise nuisances penetrate our living spaces when doors and windows are closed and make time spent outdoors unpleasant. • The noise, traffic and lighting from such a large development will impact on the residential areas along Cambridge Road, York Street, Kangaroo Drive, Pembroke Place, Ormond Street, Alma Street, Rosny Hill and of course many other areas. • Commercial noise will be obnoxious. • Noise during construction will be extensive and affect residences in the area. • Whilst I note this matter was addressed as part of the Agenda, considerations and Planning Permit issued, these requirements do not, in my respectful submission provide the community with much protection at all. The use of amplified external loud speakers needs to again be mentioned, but in addition, a condition needs to be included. 	<p>Such a plan will enable the management of other construction issues as well, such as parking, public access and marine protection.</p> <p>Consideration of noise impacts from the proposed uses has been considered against Scheme requirements in the assessment at Section 4.3 of this report. The outcome of this assessment is to recommend that conditions of any approval should limit the hours of operation of the function centre, prohibit external amplified sound, limit commercial vehicle deliveries, require noise monitoring (and mitigation/management measures should limits set be exceeded) and construction hours.</p>
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Lighting (1)	<ul style="list-style-type: none"> It would be good to see the inclusion of the condition on lighting on this permit if approved regarding external lighting. 	<p>A lighting condition has been identified and required as part of the assessment.</p>
Not in accordance with Planning Scheme & other Plans (15)	<ul style="list-style-type: none"> Not in accordance with the future vision for the city of Clarence set out in the Strategic Plan 2016-2026, in particular the goals relating to: <ul style="list-style-type: none"> “a people city where people of all ages and abilities have the opportunity to improve their health and quality of life” and “an environmentally responsible city that values its natural environment and seeks to protect, manage, and enhance its natural assets for the long term environmental, social and economic benefit of the community”. The Clarence Interim Planning Scheme says in 35.4.2 that “Buildings are not to exceed 2 storeys in height at the frontage to a public road.” It also says that “Increased height of buildings in the Marina and Wharf areas may be considered where the development incorporates a scale and architectural response that is cognisant of its location and visual importance in the Bay and surrounds”. We do not think that the second statement above has been met in this DA. Therefore the DA should be for a building that does not exceed 2 storeys in height with frontage to Cambridge Road. Lack of strategic vision by CCC for this iconic area in Clarence. There is a ray of light, however; the recent overturning by the Resource Management and Planning Appeal Tribunal of a development on Sandy Bay Road on the basis of “height” and “out of character with the precinct” is a wonderful precedent to reign in Councils. 	<p>It is unclear how the representors feel that the future vision is not achieved. Notwithstanding, the application must be determined in accordance with Section 8.10 of the Scheme, being: the purpose of the applicable zone; any relevant local area objective or desired future character statement for the applicable zone; and the purpose of any applicable code</p> <p>The clause referred to in respect of building height is an Acceptable Solution and represents only one way of achieving the development standard. The Scheme also allows consideration of the Objective of the Standard in determining compliance with the Performance Criteria. This cluster of buildings on the Wharf precinct is clearly responding to the visual importance of this part of the bay and supports the redevelopment of the old ferry terminal in providing a feature architectural element cognisant of its location.</p> <p>The decision referred to (Appeal No 100/16P – 8 November 2017)) dealt with a different development, in a different zone and in a vastly different context. The proposal is considered to satisfy the zone purpose statement.</p>

	<ul style="list-style-type: none"> • The Zone purpose statement 2 is to promote appropriate development for the Bellerive village and Kangaroo Bay Foreshore that embraces the unique and high profile nature of the area while being responsive to the areas constraints and physical context. • The original DA and current DA (D-2017/444) do not comply with the Tasmanian State Coastal Policy 1996. • The DAs do not comply with the Tasmanian Open Space Policy and Planning Framework 2010. • The DAs do not comply with the National Water Quality Management Strategy and ANZECC/ARMCANZ Guidelines for Fresh and Marine Waters 2000, especially the sediment guidelines, biological guidelines and water quality guidelines. • The DAs should most certainly be referred to the Commonwealth Department of Environment and Energy under the Environment Protection and Biodiversity Act 1999 for the determination of whether the projects are controlled actions or not. • Not in accordance with Kangaroo Bay Urban Design Plan May 2008. The Kangaroo Bay Strategic Plan agreed upon by council with community consultation and input “agreed buildings should be sympathetic to the scale and ambience of the village within the existing styles that do not dominate streetscapes or vistas to the water” is still not being upheld with this application. 	<p>It is unclear in what way the development does not comply with the Policy, particularly as the Scheme provisions have already been considered in this context.</p> <p>It is unclear how the development does not comply with this non-statutory document.</p> <p>It is unclear in what way the development does not comply with this strategy and on what basis it should be refused under the LUPA Act.</p> <p>The original subdivision application was referred to DPIPWE Policy and Conservation Assessment Branch (PCAB). Whilst there are numerous records for the threatened spotted handfish within 5km of the proposed reclamation area, PCAB considers it unlikely that this area of the bay would support the species given the shallow depth of the water in this area. Based on the information available a targeted survey would not be required. However, to minimise the likelihood of any indirect impacts from the reclamation works, if they were to be progressed, best practice construction management should be adhered to which is consistent with the legislation, policies and guidelines set out in the Tasmanian Coastal Works Manual.</p>
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	<ul style="list-style-type: none"> • It is considerably distressing, that in light of the huge effort put in by all parties through a community consultation process in the period just prior to 2010, the plans developed at the time were comprehensive and in complete harmony with the pleasant vista of the Bellerive Village and surrounds, that this current development was thrown together with short timelines and completely at odds with that previous strategy agreed with the community. • The application should be withdrawn as it exceeds Section 35 Particular Purpose Zone 4 - Kangaroo Bay. 	<p>Whilst a significant impact (to the spotted handfish) is considered unlikely by PCAB (based on the information available and provided appropriate construction management actions are developed and adhered to), given the status of this species under the Commonwealth legislation the proponent should make themselves aware of their obligations under the EPBCA. Suitable conditions and advice is recommended should Council determine to approve the application.</p> <p>The proposal is considered to be in accordance with the Scheme controls which were developed from this Plan and now given statutory weight.</p>
Inaccurate shadow diagram (1)	<ul style="list-style-type: none"> • The site diagram dated 24 October 2017, circa Morris-Nunn Architects, showing the 9.00 Winter Solstice is shown on the wrong side of the building and therefore what else in this application is incorrect? • Should the application be re-examined and the correct information advertised?? 	<p>An error in the shadow diagram has been identified and an amended plan is included with the other plans at Attachment 2. There is no significant shadowing impact identified by the plan and it would not have disadvantaged anyone making a representation. The error did not affect any of the neighbouring residences or any other building as the shadows fall in a south-westerly direction. There is no evidence to justify the application being readvertised.</p>

<p>Stated land uses and floor areas (1)</p>	<ul style="list-style-type: none"> Information provided in the Development Application D-2017/444 is inadequate and cannot be relied upon by the Planning Authority to assess the Application. In particular: All spaces for occupation are labelled as “hotel room” on the provided drawings. The spaces to be used as “apartments” are not identified. The associated documentation (report from Kate Loveday) fails to distinguish between the 2 types of accommodation. It not clear from the Application whether the “Apartments” are short time, serviced or not, or long lease or able to be purchased. i) If the apartments are intended, now or in the future, to be available for long time use by individuals or couples or families, the buildings proposed for construction fails to provide facilities required. The lack of provision of parking spaces for long-time residents is of particular concern. Many of the assumptions regarding the Parking Assessment need to be re-examined, if the Apartment are for long term stays. ii) If the “Apartments” are able to be occupied long term by the same people, the development effect is a residential development and would likely fail to “Local Area Objectives”. <p>The plans provided fails to document the actual floor area devoted to each purpose – hotel room, apartment, hotel restaurant (2 areas), commercial tenancy or hospitality school. It has been very difficult to determine whether or not the area devoted to the various uses is reasonable.</p>	<p>The uses applied for include Visitor Accommodation which is separately defined from the “Residential” suite of land uses. Residential uses are currently prohibited in the Wharf precinct and this is not what the applicant has applied for.</p> <p>In defining the uses, floor areas are needed to determine certain requirements (such as car parking for retail). Where this hasn’t been needed (ie number of students/rooms/ diners), floor areas serve no useful planning purpose. Notwithstanding, the overall floor areas are provided at Section 3.2 of this report.</p>
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	<ul style="list-style-type: none"> This is particularly the case with the Hospitality School. On initial assessment the area devoted to this purpose is inadequate, and clearly not a space specifically designed for use as a hospitality education facility. The drawings provided have very limited detail and labelled as hospitality school is a space that could be used for any purpose. A major element in the Local Area Objective table (35.1.3.9) is the proposed hospitality school and the 'social advantage' the development will create. Such an outcome, as claimed, is only possible, if the school actually operates. The Development Application does not specially include a building with the characteristics that would be expected of a space to be used as a hospitality education facility. 	<p>The internal layout requirements of the hospitality school are not finalised. Again, should approval be granted, the floor area may only be used for the purpose permitted.</p>
Additional Council and Crown land (1)	<ul style="list-style-type: none"> Encroachment on Crown Land by Buildings 2 and 3 is an appropriation of public space, and given that the public space is immediately above a sewer easement should not be approved. The sewer line on question is described as a 450mm Gravity Reticulation Main. It is recognised that such infrastructure in the areas of Tasmania first serviced by sewer is aging and is actively being replaced. Encroachment of Building 3 and 3 over this line and would severely limit the ability of TasWater to deal with emergency breakages or replace. It would be possible to fix or replace this line, with the encroachment being proposed, but the cost is met by all owners of serviced land, not just the Developers. 	<p>It is unclear where this encroachment is supposed to occur. All buildings are located on the titles of the subject site with the exception of the 'bow' of Building 1 which extends into the bay and the 'stern' which overhangs Council's road reserve. The building line on Buildings 2 and 3 are clearly constructed clear of easements with any overhang taking place to the satisfaction of the utility companies to which they are in favour.</p>

	<ul style="list-style-type: none"> • This Development Application does not provide a report from the Consulting Engineers, Aldanmark, given the “the ground floor level has been raised 300mm from 2400mm above waterline to 2700mm above waterline to comply with the requirements of the Inundation Code”. • This is a significant amendment which requires an engineering report and in itself makes the original approval on 23 January invalid according to legal advice we have obtained. This change could not be altered by a minor amendment and if the building was built would be uninsurable: <ul style="list-style-type: none"> - boundary overhangs (a total of 104m² of overhang is described as a slight encroachment) at the prow of the Hotel - boundary overhang at the entrance off Kangaroo Bay Drive into Crown Reserve is 83m² - substantial boundary overhangs by the Apartment Building and Hospitality School along the gazetted Right-of-Way. - no boundary setback at the southern end of the Hospitality School whereas in the previous application this was 2.85m and I strongly urge Council to revert to the original setback position. • Loss of privacy to our bedrooms and living room face directly to the intended hotel property. 	<p>The ground floor level has been proposed in accordance with Scheme requirements and therefore there is no need for the proponent to justify the floor level.</p> <p>The permit of 23 January 2017 is valid. The floor level will be constructed to meet 2.7m AHD.</p> <p>The overhang and boundary setbacks can be supported for the reasons described above.</p> <p>There are no habitable rooms facing the representors’ habitable rooms. The separation distance is at least 30 metres.</p>
Wildlife & Marine life (2)	<ul style="list-style-type: none"> • Kangaroo Bay is an important area for wildlife. Disturbances of the natural habitat would be devastating to the animals that live there. • Nothing in this current revised development addresses the outfall currently flowing through this waterway nor any reference to such flows being measured although marine life was seen as being somewhat “being distressed” as outlined in the marine study. 	<p>It is unclear for the representation what wildlife will be disturbed and how the proposal will devastate.</p> <p>This issue seems to refer to current flows and not the impact of the development the subject of this application.</p>

<p>Misc (12)</p>	<ul style="list-style-type: none"> • How many of you have enjoyed expenses paid trips overseas as a result of this particular project. • No mention of the development of the land further along Kangaroo Bay Drive (behind the childrens' play area). Clarence Council refuses to discuss what negotiations have been made for this area. • From the report the depth of the water would require dredging to enable ferries to alter direction and moor correctly. A problem with disturbing marine life in Kangaroo Bay, also a danger too many of the existing yacht moorings. What about the beautiful dolphins seen regularly nearby? • What guarantees does the Council have that if the amended DA is approved, the developers will not continue with the original DA? • View lines are a draw card for visitors to the Village - to see the Mountain, city skyline, marina and engage with the natural beauty of the ever-changing sky and sea - the height of the proposed buildings somewhat obliterate these assets from view from Cambridge Road. • This proposal states the buildings will house hotel rooms, studio rooms and two bedroom apartments, this will see a significant increase in the number of people staying the area and while this may not be a planning concern, the increase in waste, including sewerage is of concern. I have a concern that current infrastructure in the area is not adequate to cope with this increase, thereby placing public health issues, especially for local residents, squarely at the forefront of my concerns. • The potential for reduction in property value in the area is significant. This puts pressure on families in the area who may see a decline in their asset through no fault or choice of their own. Home owners deserve to have a stronger voice in this matter. 	<p>The Council funded some of its Aldermen's expenses and the others were self-funded.</p> <p>Activity for the Boulevard site was formally put on hold by the Council in October 2016 to focus on the wharf site. Following the recent sale of the wharf site, the Council is now engaging with the successful proponent from the original expression of interest to progress a Council decision on whether to award a preferred developer status or not.. Notwithstanding, this issue has no relevance to the determination of this development application.</p> <p>Although the proponents are keen to see a ferry service established, this is not part of the subject development application and therefore not a valid consideration.</p> <p>This is a matter for the proper utility, TasWater, which has provided conditions of approval and must make its own determination in respect of upgrades and replacement infrastructure.</p> <p>A property value is not a valid planning consideration and this concern is certainly not supported by any empirical evidence.</p> <p>There is no evidence that any additional workers at the hotel would put significant, if any, additional pressures on education facilities. This is not an issue of determining weight.</p>
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	<ul style="list-style-type: none"> If workers send their children to Bellerive Primary School it could increase pressure to increase class sizes to the detriment of existing students and staff. 	
Suggestions (27)	<ul style="list-style-type: none"> Suggested that public seating where possible would be best located near the foreshore and facing the water, not the road. Please consider buildings much more low key in appearance and height, and in keeping with the beauty of the area. Low rise shops, cafes, restaurants - local businesses, would suit this area better. Height of the building reduced by one level. Smaller development accommodating parking in its own area. Council should rezone the other, east side of Cambridge Road for tourist accommodation and related commerce; for instance, the Squash Court site, and privately held deep blocks. The Foreshore Trail is maintained should this development proceed. Even more important is that the <u>safety</u> of Trail users is guaranteed - before, during and after construction. Design suggestion for hotel – window treatments along the sides of the ‘hull’ could be portholes, or at least a more hexagonal/marine frame. The view from the ‘bow’ (assume will be large glass area) would be sensational. We agree that the ferry terminal area needs upgrading and beautifying. This should consist of a one level visitor and viewing platform that has sheltered and open areas over the water to cater for arrivals and departures with areas for eating and relaxing. 	<p>This is a matter for the detailed design stage for the hard and soft landscaping around the buildings.</p> <p>Council, convening as the planning authority, must determine the application before it.</p> <p>Council, convening as the planning authority, must determine the application before it.</p> <p>The application is applying for a waive of car parking spaces which will requires a cash-in-lieu payment.</p> <p>This is not a matter for this development application</p> <p>It is unclear how the safety of trail users will be at risk. Matters relating to construction are dealt with by the recommended condition requiring a Construction Management Plan.</p> <p>All other suggestions are noted.</p>

	<ul style="list-style-type: none"> • Small scale, unobtrusive, eclectic, special occasion maybe self-contained providing a unique accommodation experience for visitors, small shops, restaurants would be more appropriate and compatible to our village feel and surrounds. • Training School would be better located elsewhere, maybe at Rosny College, or not in Kangaroo Bay. • Why does Hospitality Training School need to be on waterfront land when there is land & parking at Rosny. • A school facility would be more appropriate on the Rosny College campus, or somewhere where a view of the foreshore is not required. • the project would be more suited to a commercial area than a residential tourist area as Kangaroo Bay. • There is ample space further along the foreshore toward Eastlands which could have been sold or Given to the Developers and built on two levels which would have minimum impact on property owners. • This college should be on the other side of the bay linked in with Rosny College. 	
Cycling concerns (7 reps)	<ul style="list-style-type: none"> • Multi-use path around the waterside of the hotel; the tip of the building is a potential bottleneck for the shared path as people tend to cut corners. The final design could reduce the radius of the corner to improve the flow around the point and preferably have glass windows on the point of the building to maximise sightlines on the corner. • The pointed edge on the path provides an opportunity for a viewing area where people can move off the path and stop and look without blocking movement on the pathway. It is not suitable for commuter cyclists. 	<p>The multi-use path around the 'bow' of Building 1 provides a missing link in Council's foreshore / boardwalk access path and, like other stretches of the path has pinch points and bottlenecks. Essentially the path is recreational in nature and should be a slower speed environment given that this area will also serve walkers and visitors.</p> <p>The footpath along Cambridge Road may in future become a multi-use path. This will take place in the road reserve and therefore its design is not a consideration for this development application.</p>

	<ul style="list-style-type: none"> • The footpath along Cambridge Road is expected to be used as a shared path between the end of Clarence Street and the pedestrian overpass on Cambridge Road, where a path connects to the foreshore. The path along Cambridge Road needs to be 3.0m wide to allow safe passing between pedestrians and cyclists as well as space to provide clearance from traffic on Cambridge Rd and handrails on the embankment side. • The loading bay shown in the plan should be relocated so it is opposite the forecourt of the hospitality school. This would allow for a continuously wide promenade along the front of the hospitality school building and eliminate the constriction of width adjacent to the proposed loading bay as this area is expected to have high pedestrian activity. • It is good to see 14 undercover staff bike parking spots in a visible location adjacent to the hotel building which is an improvement over the previous plans. • Public parking rails should be more visible and accessible directly from the Clarence Foreshore Trail. The proposed location of the rails is obscured by the vegetation and likely to be unused in that location. Access to the rails is also reliant on the design of the lot to the south where a walkway alongside the carpark has not been confirmed. A preferred location is to locate the rails indented into the garden bed adjacent to the trail. There does not appear to be any bike parking provision for students, staff or visitors to the hospitality school. At a minimum public bike parking rails should be provided near the building entrances. 	<p>The loading bay is located in the most practical way, on the side of the hospitality school. To have it on the other side of the access way would introduce more conflict with walkers, cyclists and BYC traffic. The proposal provides a wide, clear shared access which can be further refined and defined at the detailed engineering design stage.</p> <p>The applicant is providing double the amount of bicycle parking than is required under the Scheme. The parking is located in clear, legible places within metres of the proposed buildings.</p> <p>Whilst cyclist may take this route, it is likely that commuter cyclists will be channelled up the adjacent laneway and along Cambridge Road.</p> <p>The legibility and type of route will be a matter for the detailed design of the hard landscaping, access and parking areas, along with the the design of the wider area.</p> <p>The access through BYC has never been formalised and such a route has not been agreed with the Crown (as landowner) and the BYC (as leasee of part of the area).</p> <p>There is no conflict with vehicular traffic along the foreshore.</p>
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	<ul style="list-style-type: none"> • There are no dedicated cycle lanes proposed; the problem will be with cyclists coming along Kangaroo Bay Drive and going around the roundabout and pass the front of the hotel; with this being a green site this is a cycle alone a lane is a must for safety and needs to be included. • No access or foresight has been given for cyclists to pass this foreshore area as we have always done. • Will my family still be able to feel safe to ride along the foreshore? • It's great that the designs include a 4m wide cycle path, however when the hotel and school are at capacity, this will be far too narrow - especially at pinch points such as where the tip of the hotel where it sticks out into the bay. And once the ferry terminal is constructed, and there are lots of people loading/unloading from the ferry, this pathway will become very busy and effectively too dangerous for cyclists and pedestrians. A wider path in high use areas such as this would be an improvement. • The plans have very little detail on how the safety of cyclists (and pedestrians) using these paths is guaranteed. There needs to be clear and unobstructed vision along these paths (e.g. no right angles close to buildings), and smooth paths all the way along the cycle way (no steps). Most importantly, cars should be kept separate from the cycle path. • One recommendation I would make is to ensure that no foot traffic can come out of the building and cut directly across the public walkway/cycleway (i.e. people cutting perpendicular across the walkway). Look at what happened to the Café at Zero Davey - lots of accidents with cyclists and pedestrians coming out of the cafe with their take away coffees. 	<p>The 4m wide multi use path has long been planned and formally adopted in the subdivision and title creation of the development lots. The so called 'pinch points' will require cyclists to proceed at a speed which is appropriate for conditions and the recreational multi use nature of the path. A ferry terminal is not a part of this application. Any future plans will need to consider the wider usage of the area.</p> <p>The detailed design of the multi user paths will be resolved at the detailed engineering stage.</p> <p>The detailed design of the areas around the building will need to consider potential user conflicts.</p> <p>The landscaping of the car parking areas will need to consider sight lines along the shared access way.</p> <p>There are 42 bicycle parks proposed in safe, convenient locations.</p>
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	<ul style="list-style-type: none"> The carpark of the hotel should also be designed so that cars have a clear line of vision for cyclists coming along the “shared access” road. It is also really important that bike racks are placed at strategic places (eg near cafes/bars, main entrances to TAFE, carpark), so that people have somewhere safe to lock up their bike. 	
Access (1)	<ul style="list-style-type: none"> Wish to ensure that vehicular access is maintained through the small laneway to the south of 25 Kangaroo Bay Drive. 	The laneway is a road reserve and there are no proposals to restrict access.
Overlooking (1)	<ul style="list-style-type: none"> I would ask that there either be no windows to the apartments on the Northern Boundary of ‘Building – 2’. If it is considered desirable, I will be satisfied that the windows are fitted / shielded with solid external screening angled to ensure any visual access from inside the hotel is limited at least to a North Westerly aspect, to such an extend the screens ensure there is no overlooking into any part of my property. 	<p>The architects confirm that the translucent cladding proposed will allow only light to penetrate and no distinct shapes or views will be possible through.</p> <p>The glazed lower corner of the building is a small atrium with circulation offset further to the interior of the building. These are not private hotel interiors.</p> <p>The design and proposed materials will ensure the privacy of the residence north of Building 2. A condition of approval is recommended requiring the cladding.</p>
Landscaping/ setback (1)	<ul style="list-style-type: none"> previous setbacks (whilst not clearly stated in the original DA but assumed at about 4ms from the plans provided) from “the road reserve”, have been reduced to ‘zero’ and that any planned screening through planting and the like, will now have to be undertaken within “the road reserve” itself. 	This statement is incorrect and the landscaped setback is actually between 2.5 – 8.2m. No landscaping works are sought on the road reserve as part of this application.

Construction impacts (1)	<ul style="list-style-type: none"> The potential impacts of the development (rock breaking, pole driving, blasting, heavy vehicle access, excavation etc.) on the structural integrity of my Heritage Listed and Historic dwelling, together with all surrounds including but not limited to concrete paving, boundary fencing and piers, retaining walls. 	The physical impact of the work on surrounding buildings is not a valid planning consideration as it is dealt with by other legislation. Notwithstanding, it is recommended that a condition requiring a construction management plan be attached to any approval, particularly in respect to public access and construction traffic/parking management.
Stormwater run-off (1)	Stormwater, surface drainage within 'the road reserve' are appropriately channelled, drained and diverted away from my boundary and are collected in a separate and suitable stormwater drainage pit at the Kangaroo Bay Drive end of "road reserve" ensuring no runoff into the lower contours of my South Western boundary or the western boundary/council nature strip area of 25 Kangaroo Bay Drive.	This issue will be resolved in the detailed design stage, however all stormwater runs away from the representors property.
Commercial tenancy in Building 2 (1)	Ground floor 'commercial tenancy' previously detailed, described as a 'student café' should not be public.	The ground floor tenancy is defined under the Scheme as 'General Retail and Hire'. Should a student café be intended in the future, which is not ancillary to the hospitality school; a further change of use application must be made.
Public art (1)	Ideas for public art in the vicinity.	The representor's correspondence has been past to members of the Public Art Panel, established under the Public Art Code.
Pollution? (1)	We also note, that there "does not appear" that any of the consultant activities and comments have been directed toward any possible wind tunnel effects which will no doubt require specialist treatment given the walling and proximity of the buildings top Cambridge Road for either a strong northerly to north easterly and more particularly to a strong southerly sweeping along this carriageway. These same representors previously expressed concern that Building 2 will 'channel' road noise, fumes and pollution.	Whilst the current open nature of this section of Cambridge Road will be enclosed, there is nothing to suggest that it will create a pollution issue for residents. Similarly, whilst there will undoubtedly be a change to the acoustics of this section of Cambridge Road, there is no evidence to suggest that this would create a significant residential amenity impact.

Navigation and moorings (1)	MAST advised that it has no concerns with the DA provided access is not hindered to the existing BYC marina and adjacent moorings.	Advise the applicant to conform navigation requirements with MAST.
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6. EXTERNAL REFERRALS

Referrals to the Department of State Growth, MAST and TasWater were undertaken as part of this application. MAST made a number of comments which are discussed in this report and TasWater has provided a number of conditions to be included on the planning permit if granted.

7. STATE POLICIES AND ACT OBJECTIVES

7.1. The proposal is consistent with the outcomes of the State Policies, including those of the State Coastal Policy.

7.2. The proposal is consistent with the objectives of Schedule 1 of LUPAA.

8. Fees

The applicant has requested fees be waived as set out in the attached letter (Attachment 5). However, this is considered inappropriate for the following reasons:

1. A number of the changes made to the subject development application, such as height of buildings along Cambridge Road and creating corridors through buildings, were issues discussed at length with the applicant prior and during the lodgement of the first development application. Whilst changes were made to the first development prior to Council approval, there was nothing stopping the applicant making further changes at that stage.
2. Council has again engaged an urban design consultant in order to provide advice on the applicant's design. This in itself involved a significant cost.
3. The application has been assessed and subject to a public notification which generated 148 representations. This process has involved significant staff resources.
4. The request does not meet Council's adopted Policy "Waiving or Reducing Fees for Planning and Building Permits – December 2003".

9. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

10. CONCLUSION

The proposal for a Hotel and Hospitality Training School (Hotel Industry, Visitor Accommodation, Educational, General Retail and Food Services) at 40 and 40A Kangaroo Bay Drive, Rosny Park and 64C, 76 and 78 Cambridge Road, Bellerive is recommended for approval subject to reasonable and relevant conditions.

Attachments: 1. Location Plan (1)
2. Proposal Plans (12)
3. Urban Design Assessment (8)
4. Site Photo (1)
5. Letter from Applicant (2)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1- Location Plan



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Tuesday, 12 December 2017 **Scale:** 1:1,752 @A4

Kangaroo Bay Proposed Development

Attachment 2

Architectural Drawings - Circa Morris-Nunn Architects		
Layout No:	Layout Name	Rev
DA1.00	Cover	D
DA1.01	Site	F
DA1.02	Site Diagrams	D
DA2.00	Ground Floor	E
DA2.01	First Floor	E
DA2.01	S01 + S02	D
DA2.02	Second Floor	E
DA2.03	Third Floor	E
DA2.04	Fourth Floor	E
DA2.05	Fifth Floor	D
DA3.00	Building 1 Elevations	E
DA3.01	Building 2 Elevations	E
DA4.01	3D Views	E



1	Location Plan
-	

revisions

Revision ID	Issue Date	Issue Name	Comment	Change ID	Description
PRE	19/9/17	Issued to planning for pre-application			
C	29/9/17	Issued for development application			
D	5/10/17	Revised issued for development application			

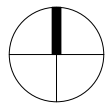
P R E L I M I N A R Y
NOT FOR CONSTRUCTION

original drawing size

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1:10	1:50	1:100	1:200
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1:10	1:50	1:100	1:200

Kangaroo Bay Hunter Developments

Watum, 27 Hunter Street
Hobart
TAS 7000



circa morris-nunn architects Contact

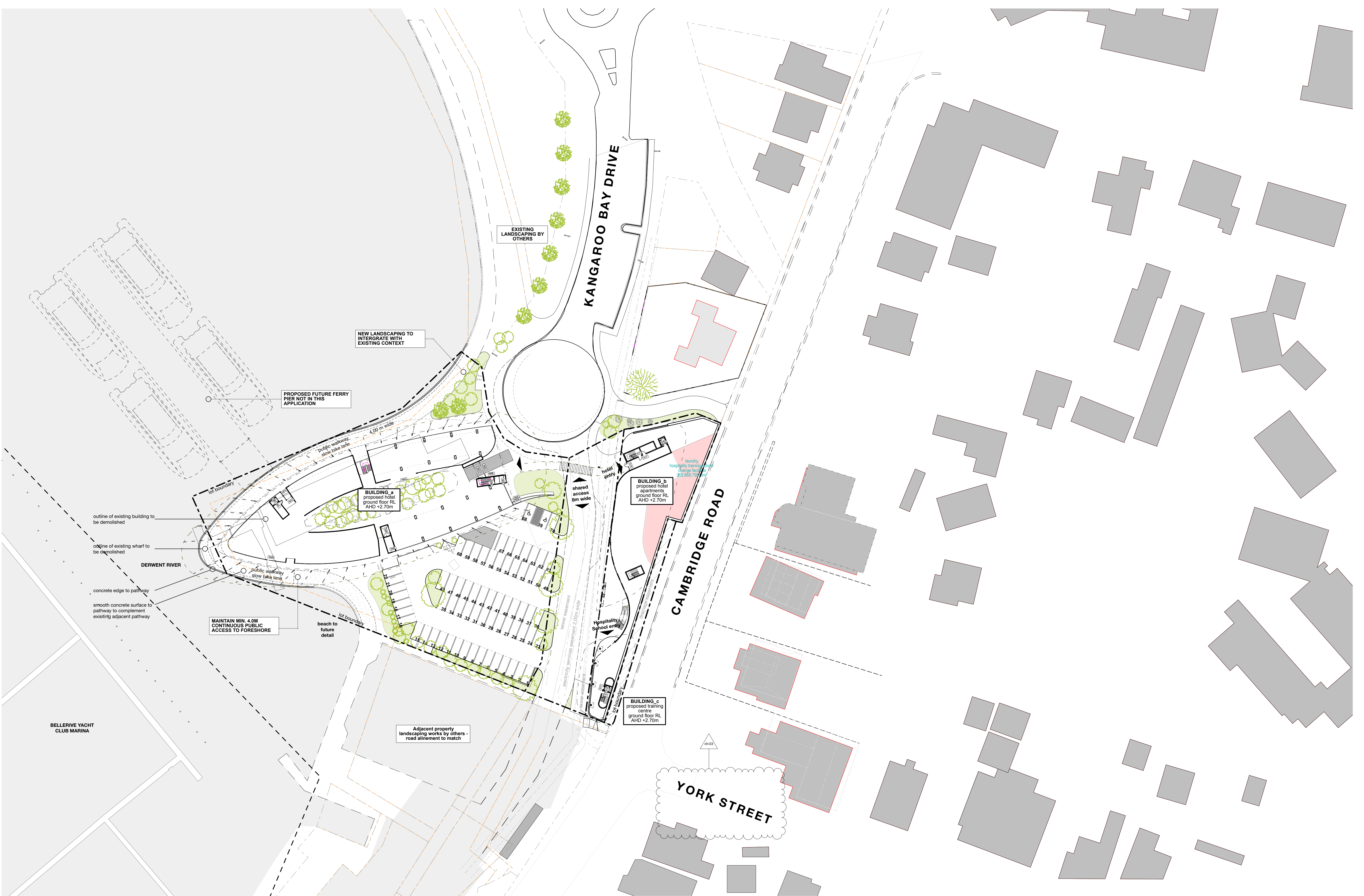
Watum, 27 Hunter St | Hobart | Tas | 7000
03 6236 9544
info@circamorrisnunn.com.au

Cover

Preliminaries

status: **DA**
print date: **Tuesday, 24 October 2017**

drawing n°: **1609-DA1.00**
sheet: **D**



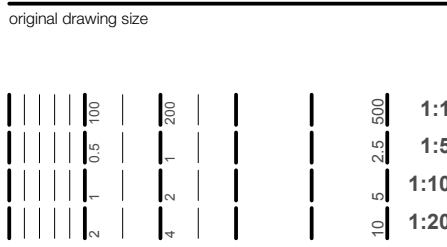
1 Site Plan
1:500

revisions

Revision ID	Issue Date	Issue Name	Comment
PRE	19/9/17	Issued to planning for pre-application	
C	29/9/17	Issued for development application	
D	5/10/17	revised issued for development application	
E	11/10/17	revised issue for development application	
F	24/10/17	revised issue for development application	

Change ID	Description
ch-01	requested information for Clarence City Council
ch-03	street name amended

P R E L I M I N A R Y
NOT FOR CONSTRUCTION



Kangaroo Bay
Hunter Developments
Contact
Watum, 27 Hunter Street
hobart TAS 7000

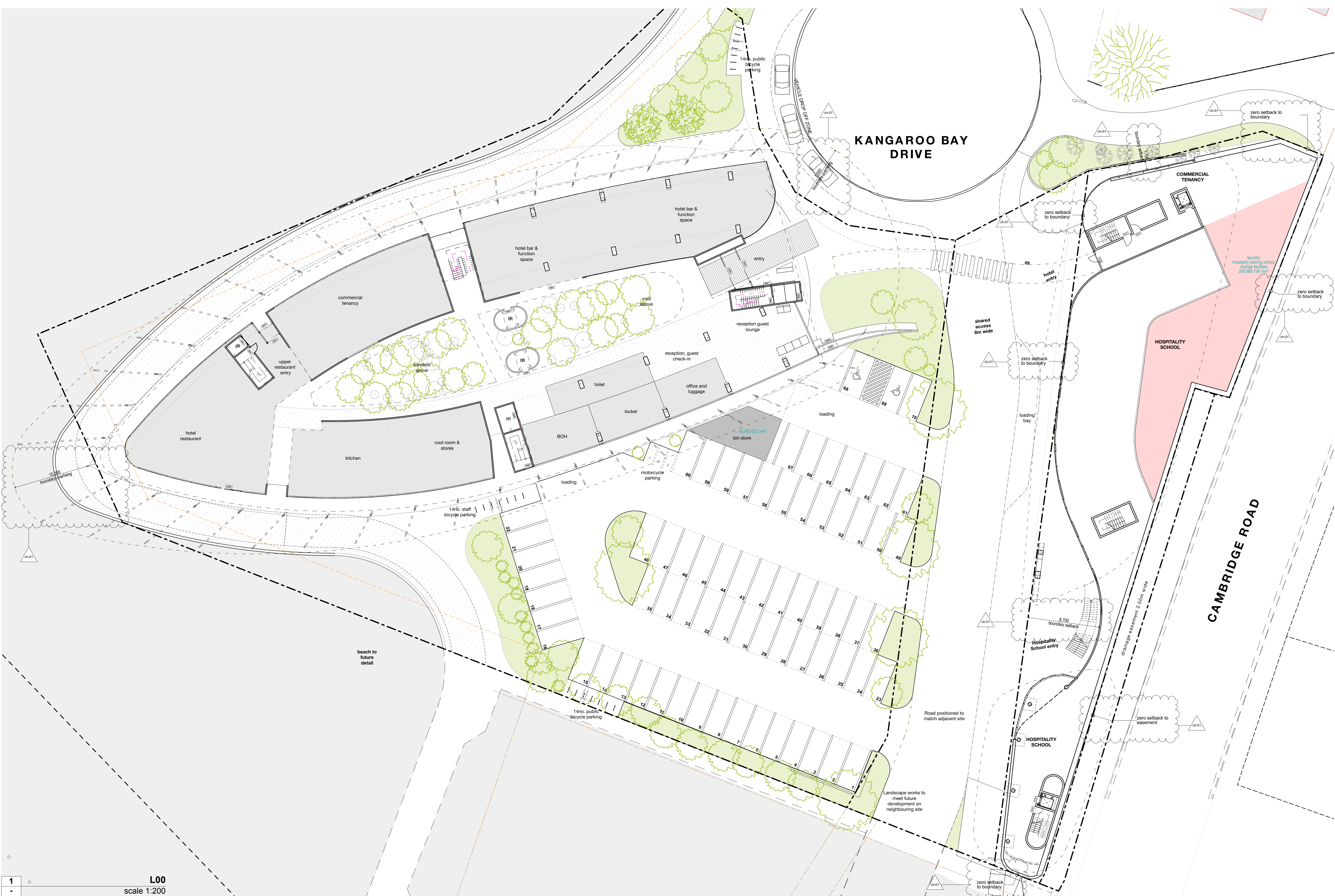
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info@circamorrisnunn.com.au

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Site Preliminaries
status
print date
drawing n°
1609-DA1.01
8886
F

Tuesday, 24 October 2017



1 L00
scale 1:200

revisions

Revision ID	Issue Date	Issue Name	Comment	Change ID	Description
PRE	19/9/17	Issued to planning for pre-application			
C	29/9/17	Issued for development application			
D	5/10/17	revised issued for development application			
E	11/10/17	revised issue for development application			

ch-01 requested information for Clarence City Council

PRELIMINARY
NOT FOR CONSTRUCTION

original drawing size

1:10	1:50	1:100	1:200
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Ground Floor plan

status
print date
drawing n°

Tuesday, 24 October 2017
1609-DA2.00
E



1
-
L01
scale 1:200

revisions

Revision ID	Issue Date	Issue Name	Comment
PRE	19/9/17	issued to planning for pre-application	
C	29/9/17	issued for development application	
D	5/10/17	revised issued for development application	
E	11/10/17	revised issue for development application	

Change ID	Description
ch-01	requested information for Clarence City Council

P R E L I M I N A R Y
N O T F O R C O N S T R U C T I O N

original drawing size

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Kangaroo Bay
Hunter Developments

Waltham, 27 Hunter Street
hobart tas 7000

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Contact

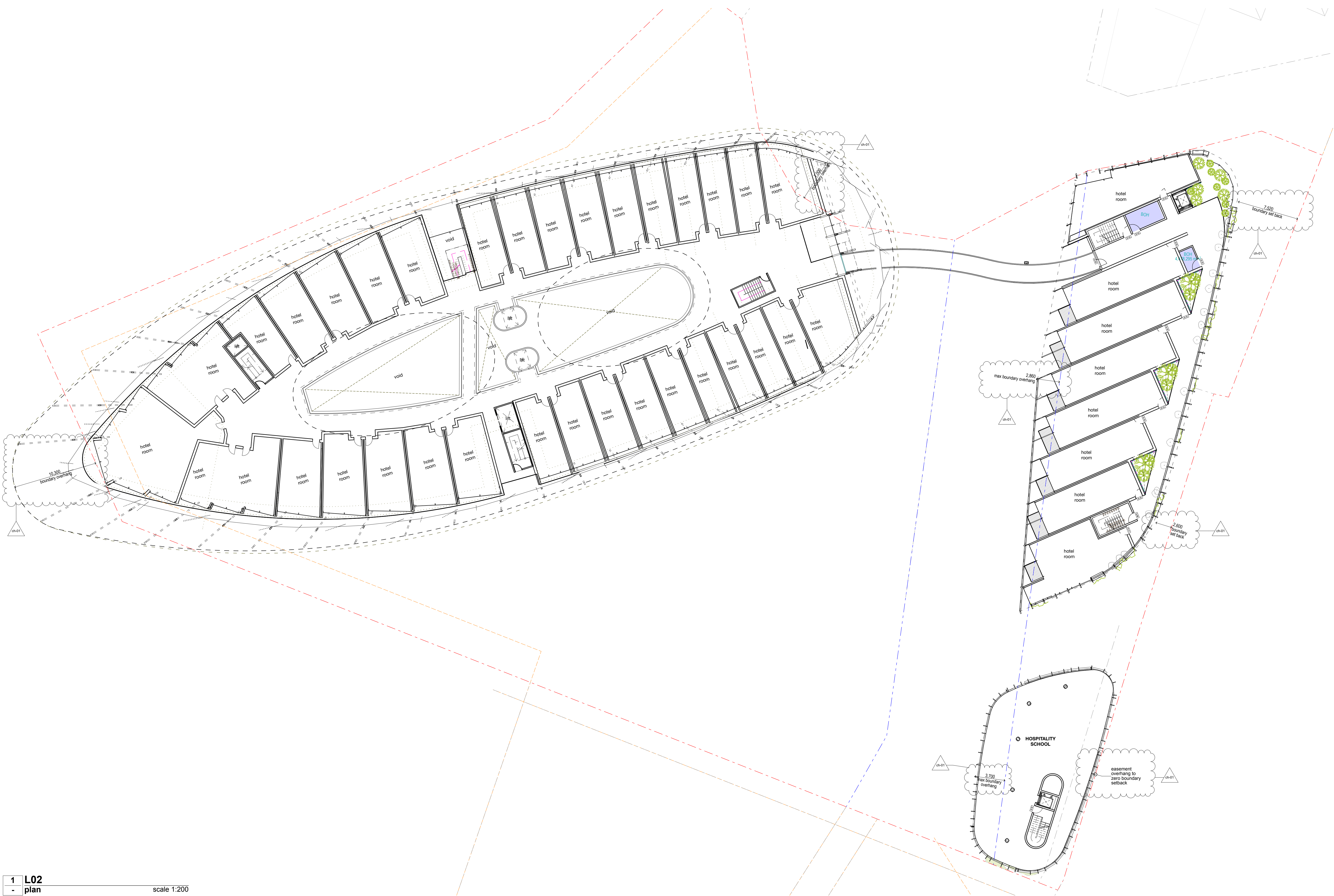
Waltham, 27 Hunter Street | Hobart | tas 7000
03 6236 9544
info@circamorrisnunn.com.au

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First Floor
plan

status
print date
drawing n°

Tuesday, 24 October 2017
1609-DA2.01
E



1 L02
- plan
scale 1:200

revisions

Revision ID	Issue Date	Issue Name	Comment	Change ID	Description
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C	29/9/17	issued for development application			
D	5/10/17	revised issued for development application			
E	11/10/17	revised issue for development application			

ch-01 requested information for Clarence City Council

P R E L I M I N A R Y
N O T F O R C O N S T R U C T I O N

original drawing size

1:10	1:50	1:100	1:200
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Kangaroo Bay Hunter Developments

Waltham, 27 Hunter Street
hobart TAS 7000
info@circa-morris-nunn.com.au

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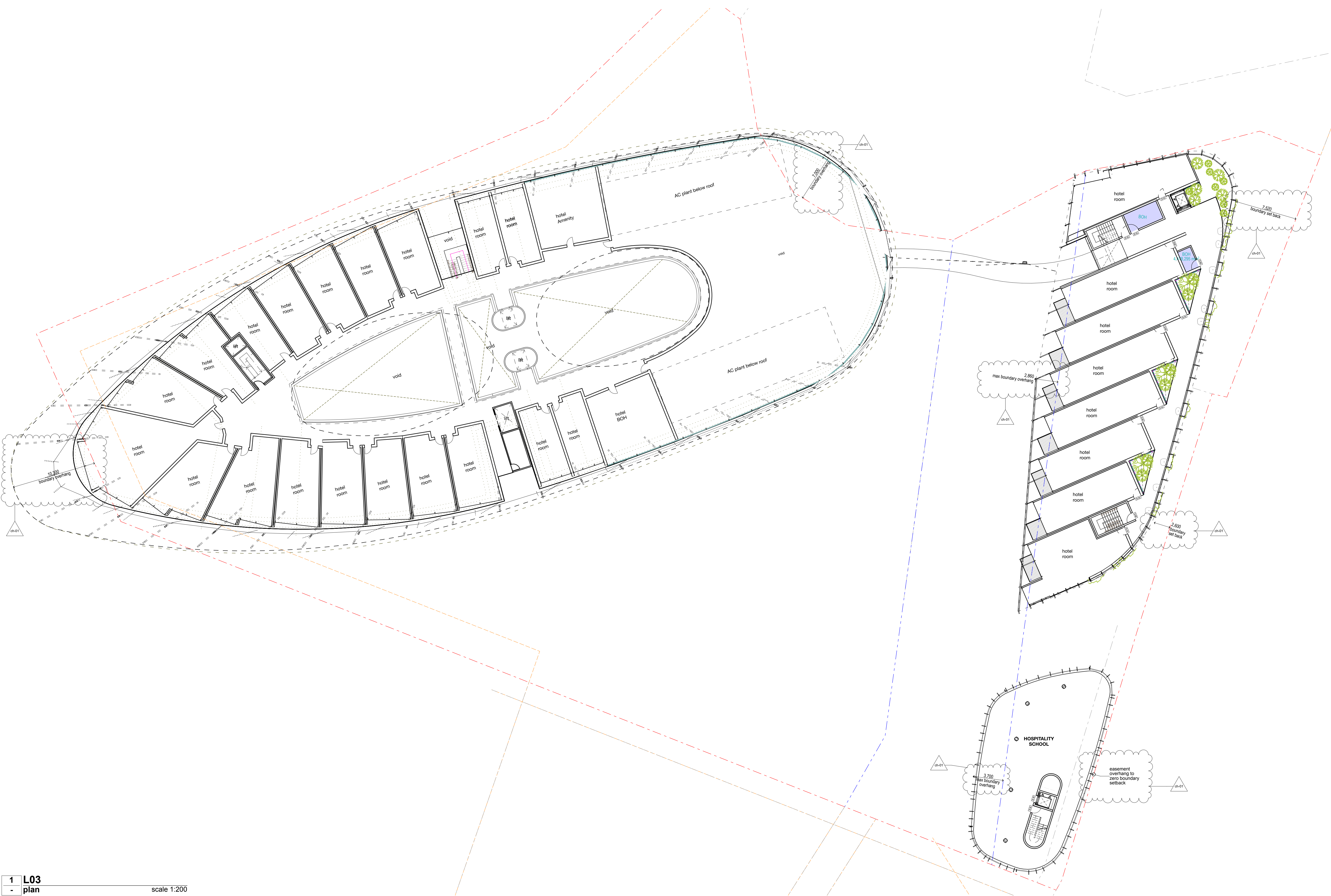
Waltham | 27 Hunter St | Hobart | Tas | 7000
03 6236 9544
info@circa-morris-nunn.com.au

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Second Floor plan

status **DA**
print date **Tuesday, 24 October 2017**

drawing n° **1609-DA2.02**
E



1 L03
- plan
scale 1:200

revisions

Revision ID	Issue Date	Issue Name	Comment	Change ID	Description
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C	29/9/17	Issued for development application			
D	5/10/17	revised issued for development application			
E	11/10/17	revised issue for development application			

ch-01 requested information for Clarence City Council

PRELIMINARY
NOT FOR CONSTRUCTION

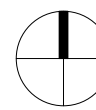
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Kangaroo Bay
Hunter Developments

Waltham, 27 Hunter Street
hobart TAS 7000

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Contact

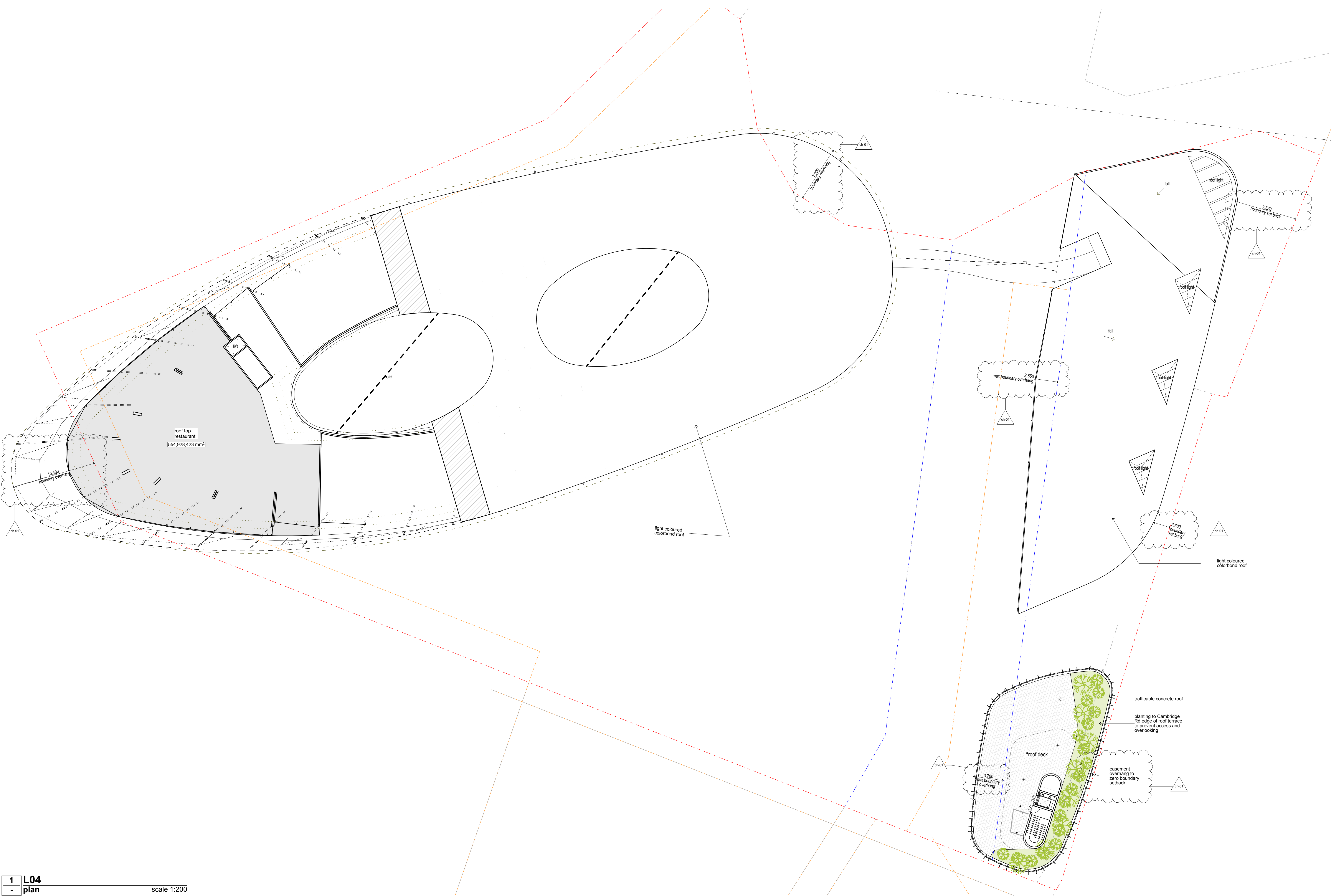
Waltham | 27 Hunter St | Hobart | tas | 7000
03 6236 9544
info@circamorrisnunn.com.au

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Third Floor
plan

status
print date
drawing n°

1609-DA2.03
E



1 **L04**
- **plan** scale 1:200

revisions

Revision ID	Issue Date	Issue Name	Comment	Change ID	Description
PRE	19/9/17	issued to planning for pre-application			
C	29/9/17	issued for development application			
D	5/10/17	revised issued for development application			
E	11/10/17	revised issue for development application			

ch-01 requested information for Clarence City Council

P R E L I M I N A R Y
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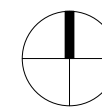
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Kangaroo Bay
Hunter Developments

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Fourth Floor
plan

status **DA**

print date **Tuesday, 24 October 2017**

drawing ref **1609-DA2.04**


8886 **E**

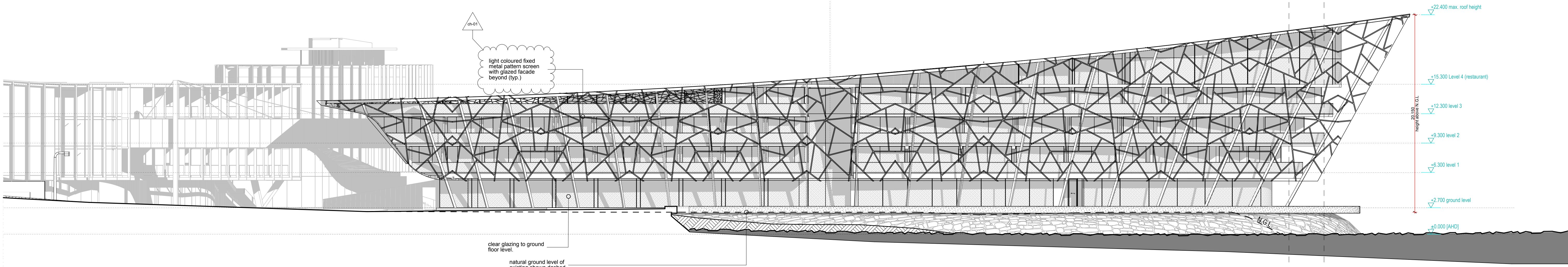
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-	plan scale 1:200

revisions

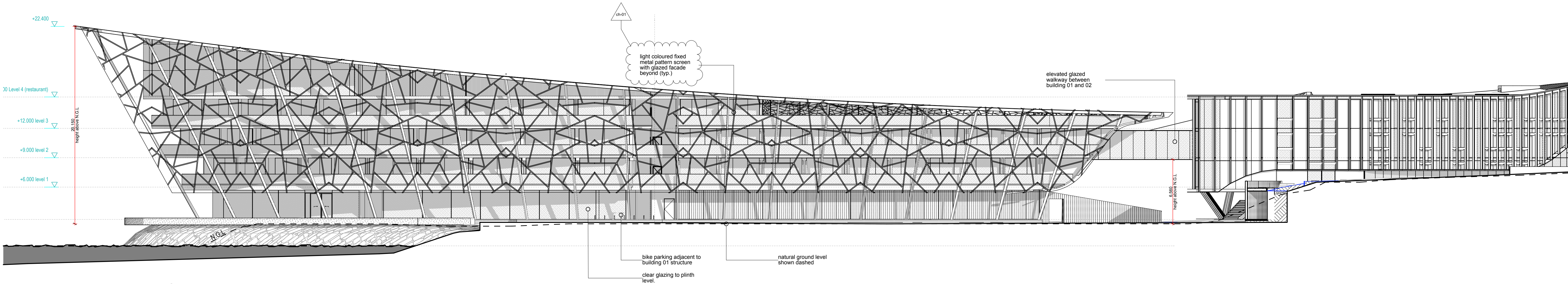
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C	29/9/17	Issued for development application			
D	5/10/17	revised issued for development application			

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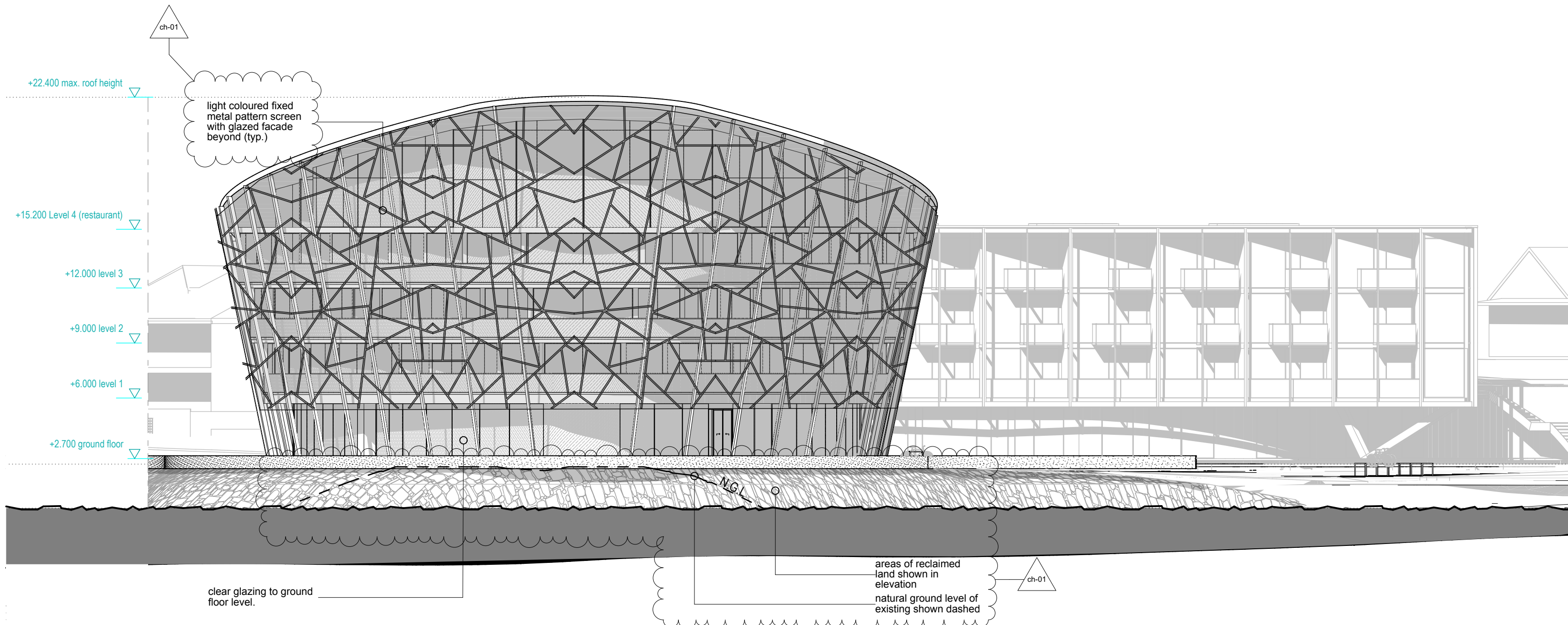
original drawing size		Kangaroo Bay	circa morris-nunn architects	Fifth Floor plan
		Hunter Developments	Contact	
	id atrium 27 hunter street holbart TAS 7000		id atrium 27 hunter st holbart tas 7000 03 6236 9644 info@circamorrisnunn.com.au	status DA
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1:100	1:100		these drawings show design intent and are suitable as a guide only. The builder shall check and verify all dimensions and verify all errors/corrections to the architect. Do not scale off this print. Drawings are not to be used for construction purposes until issued by the architect for construction.	drawing 17' 610x
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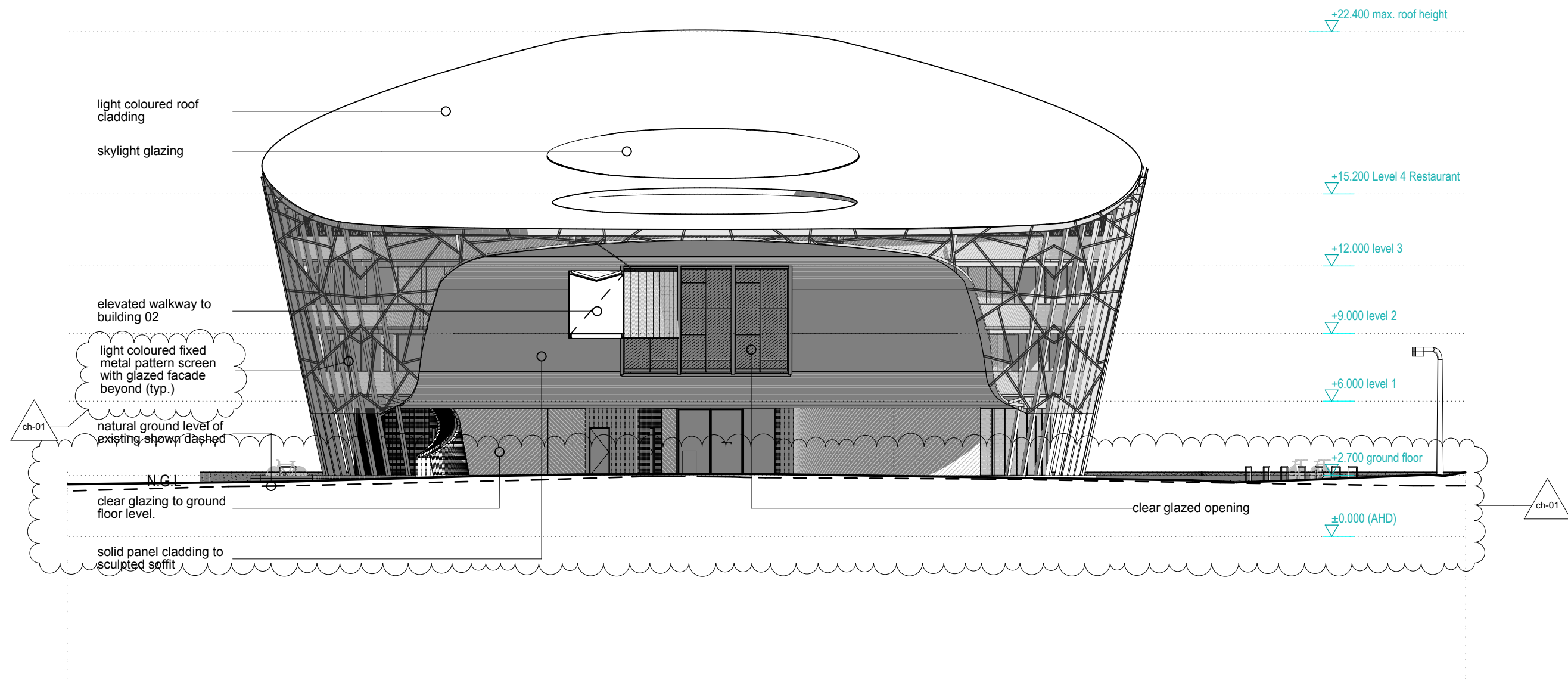
01
-
Building 01 - North
scale 1:200



02
-
Building 01 - South
scale 1:200



03
-
Building 01 - West
scale 1:200



04
-
Building 01 - East
scale 1:200

revisions

Revision ID	Issue Date	Issue Name	Comment	Change ID	Description
PRE	19/9/17	Issued to planning for pre-application			
C	29/9/17	Issued for development application			
D	5/10/17	revised issued for development application			
E	11/10/17	revised issue for development application		ch-01	requested information for Clarence City Council

P R E L I M I N A R Y
N O T F O R C O N S T R U C T I O N

original drawing size

1:10	1:50	1:100	1:200
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Kangaroo Bay Hunter Developments

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Hobart
TAS 7000

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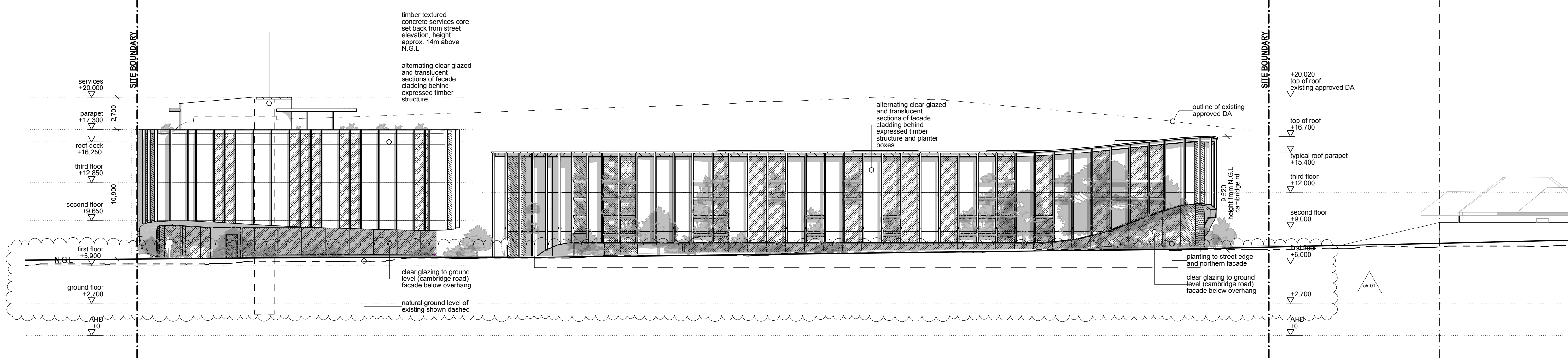
Watum, 27 Hunter St | Hobart | Tas | 7000
03 6236 9544
info@circamorrisnunn.com.au

These drawings show design intent and are suitable as a guide only. The builder shall check and verify all dimensions and verify all errors/omissions to the Architect. Do not scale off the drawings. Drawings are not to be used for construction purposes until issued by the Architect for construction.

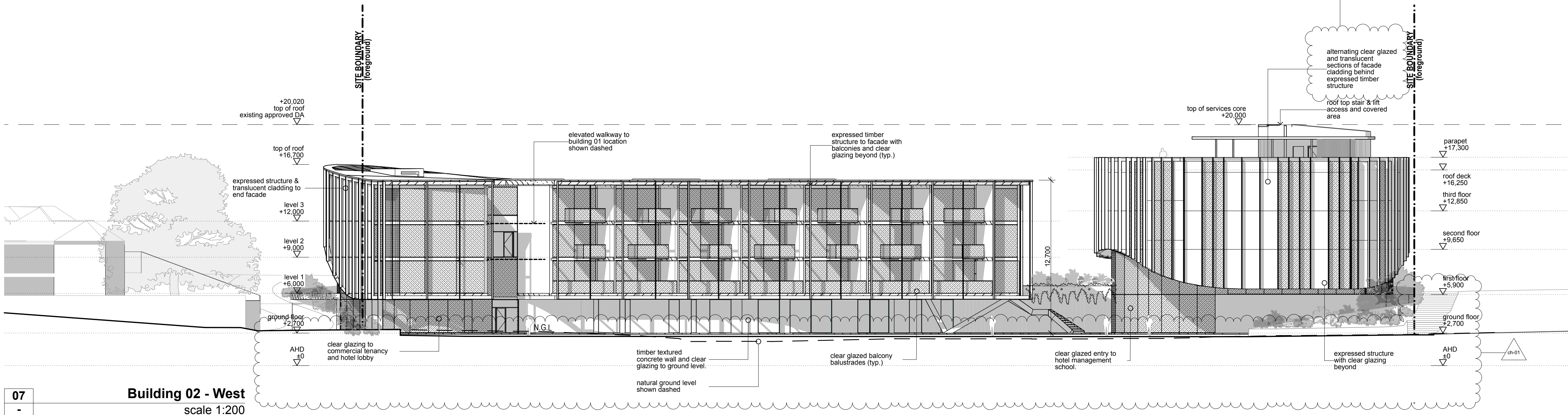
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status
print date
drawing n°

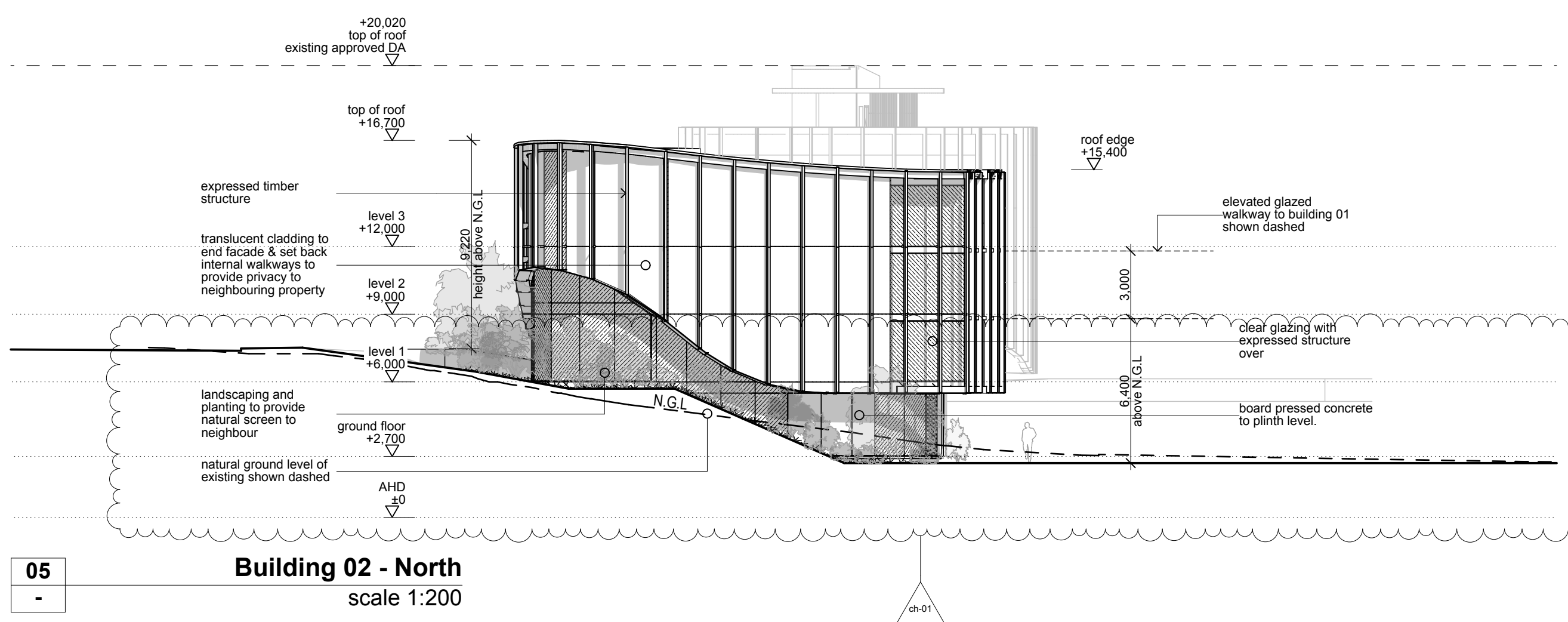
Tuesday, 24 October 2017
1609-DA3.00



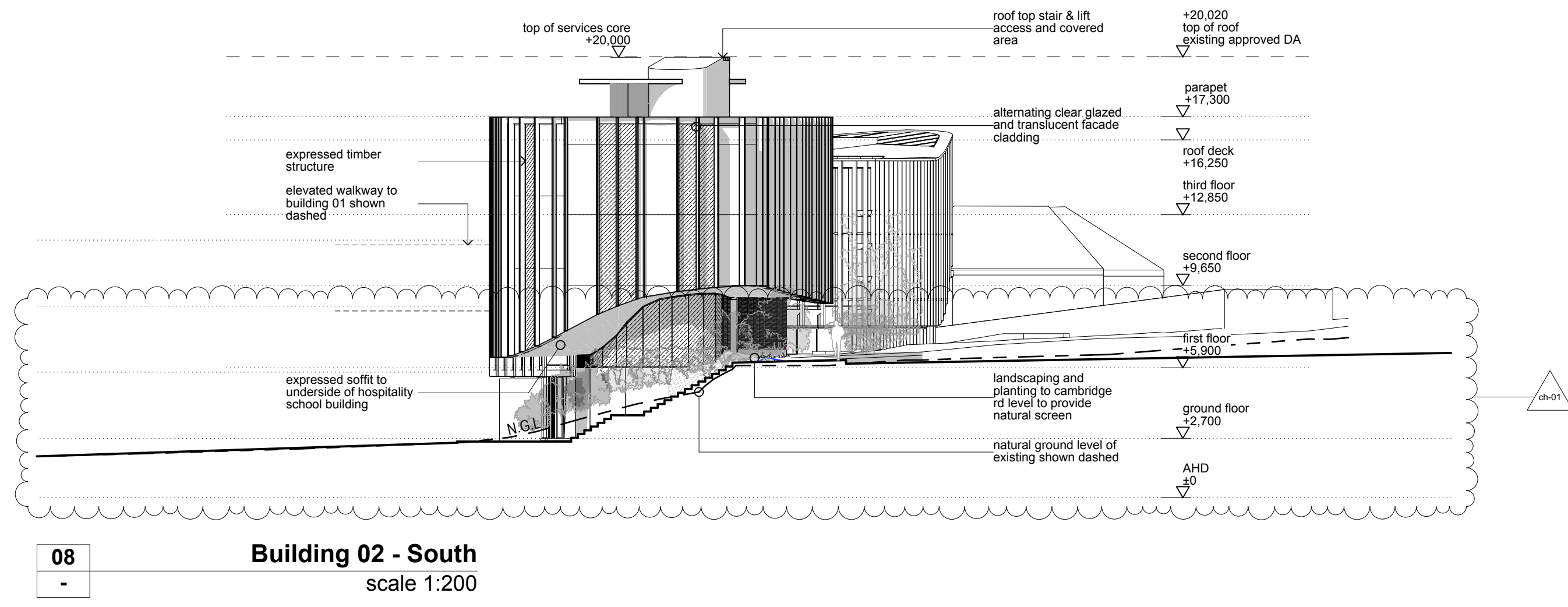
06
-
Building 02 - East
scale 1:200



07
-
Building 02 - West
scale 1:200



05
-
Building 02 - North
scale 1:200



08
-
Building 02 - South
scale 1:200

revisions

Revision ID	Issue Date	Issue Name	Comment	Change ID	Description
PRE	19/9/17	Issued to planning for pre-application			
C	29/9/17	Issued for development application			
D	5/10/17	Revised issued for development application			
E	11/10/17	Revised issue for development application			

ch-01 requested information for Clarence City Council

PRELIMINARY
NOT FOR CONSTRUCTION

original drawing size

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1:100	1:100
1:200	1:200

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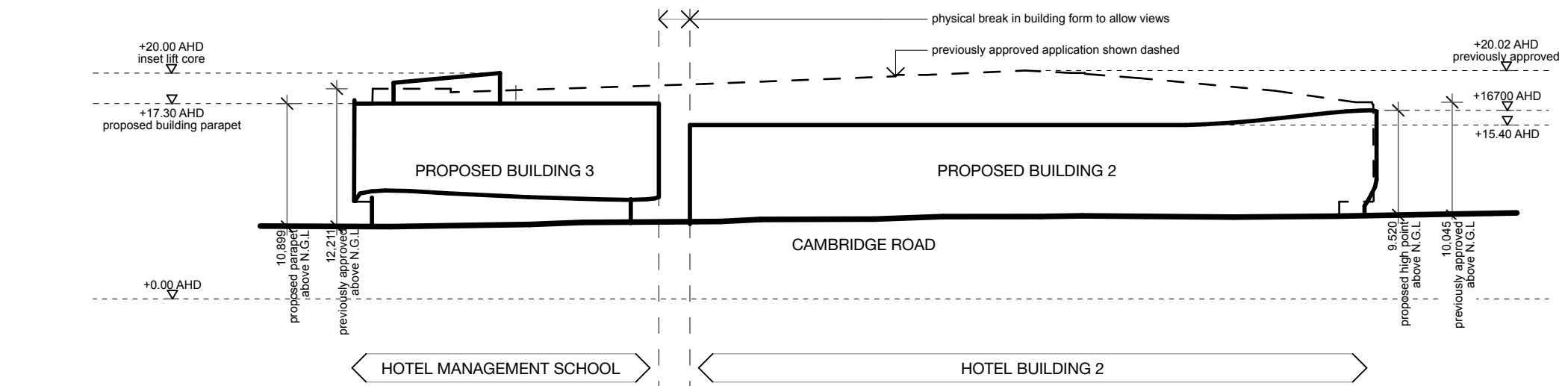
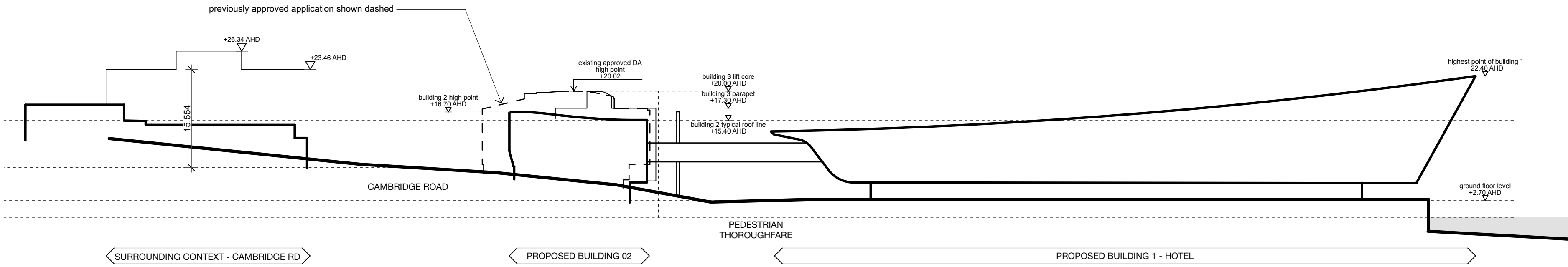
Waltham | 27 Hunter St | Hobart | Tas | 7000
03 6236 9544
info@circamorrisnunn.com.au

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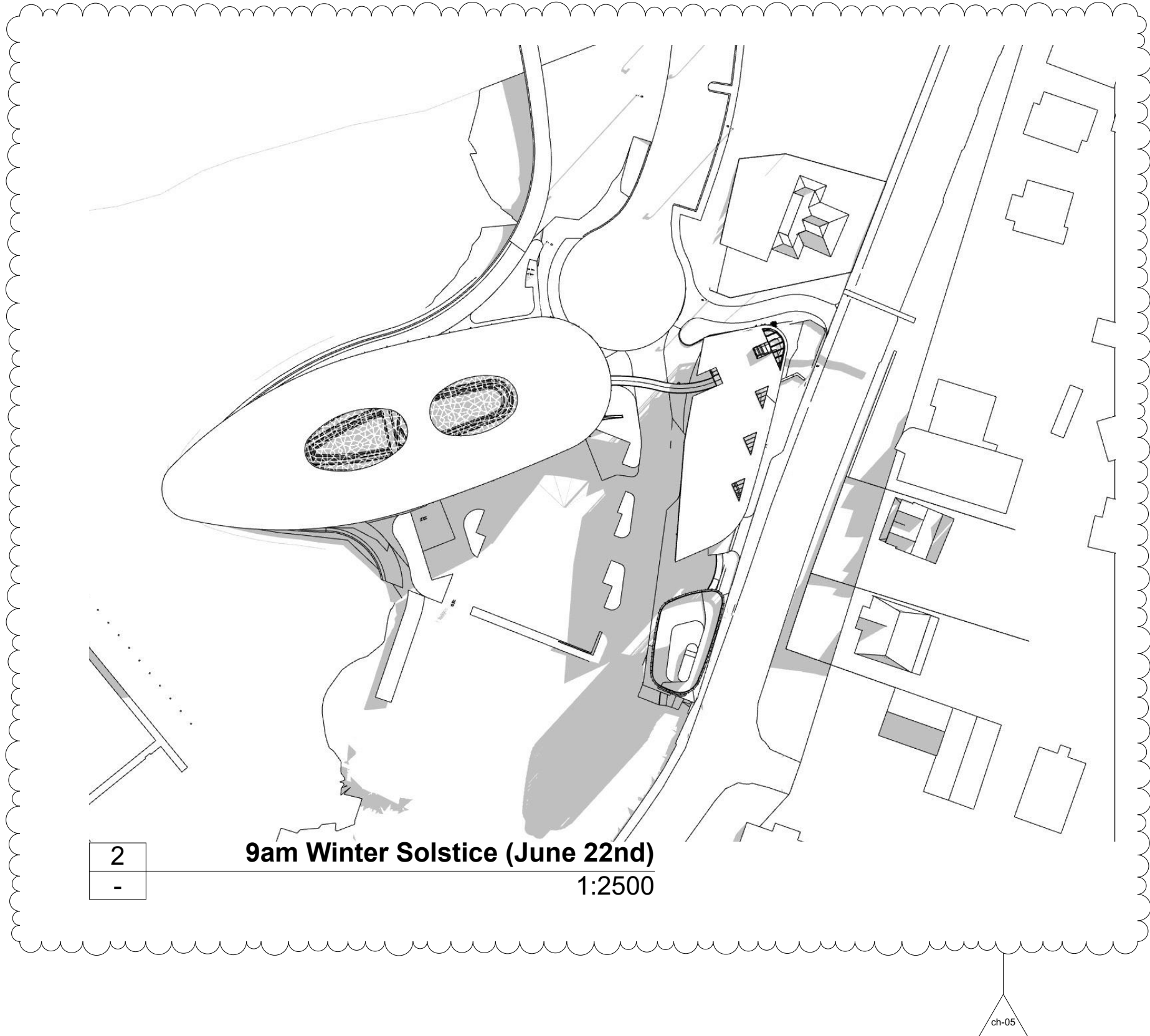
Building 2 Elevations elevation

status
print date
drawing n°
Tuesday, 24 October 2017
1609-DA3.01

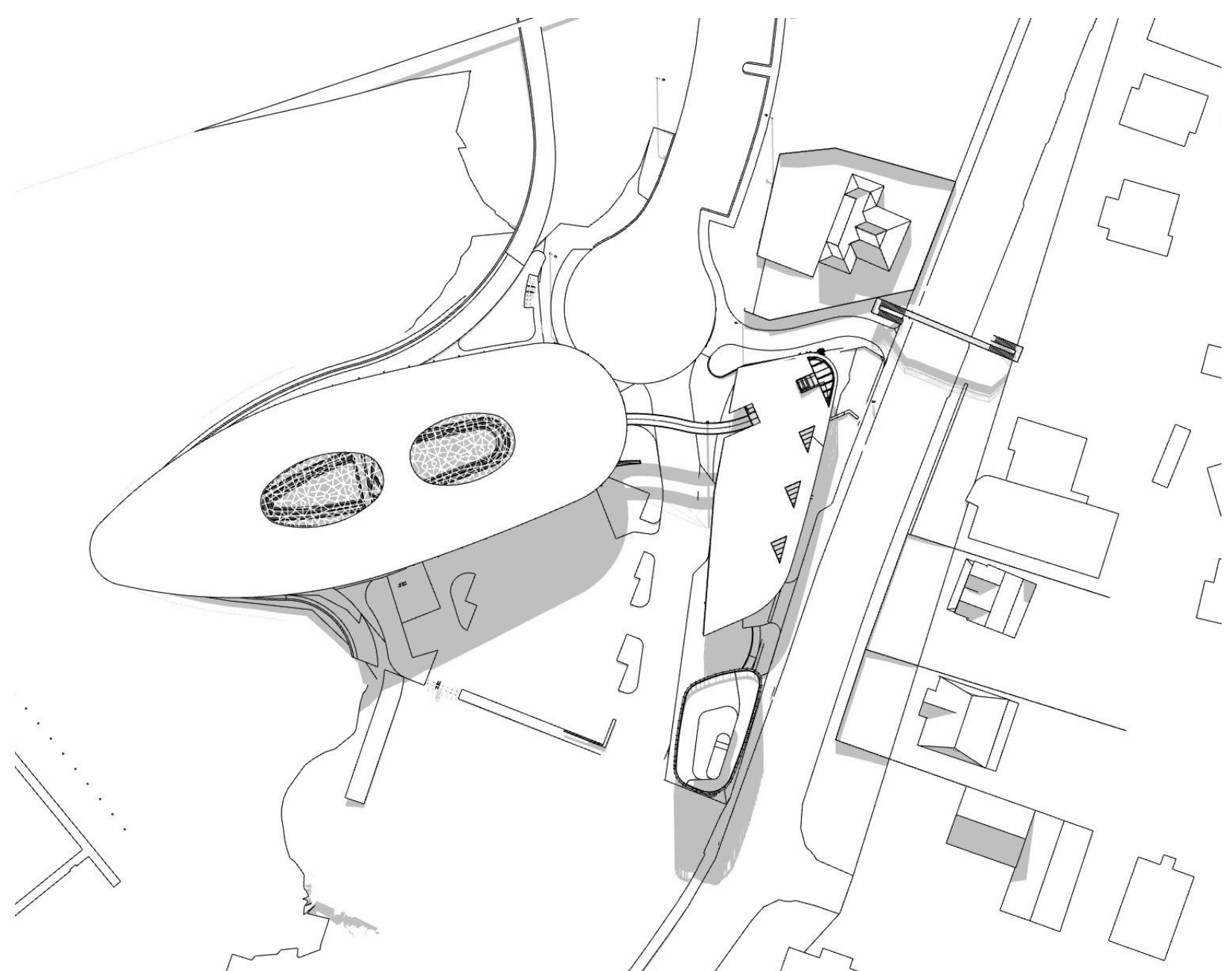
E



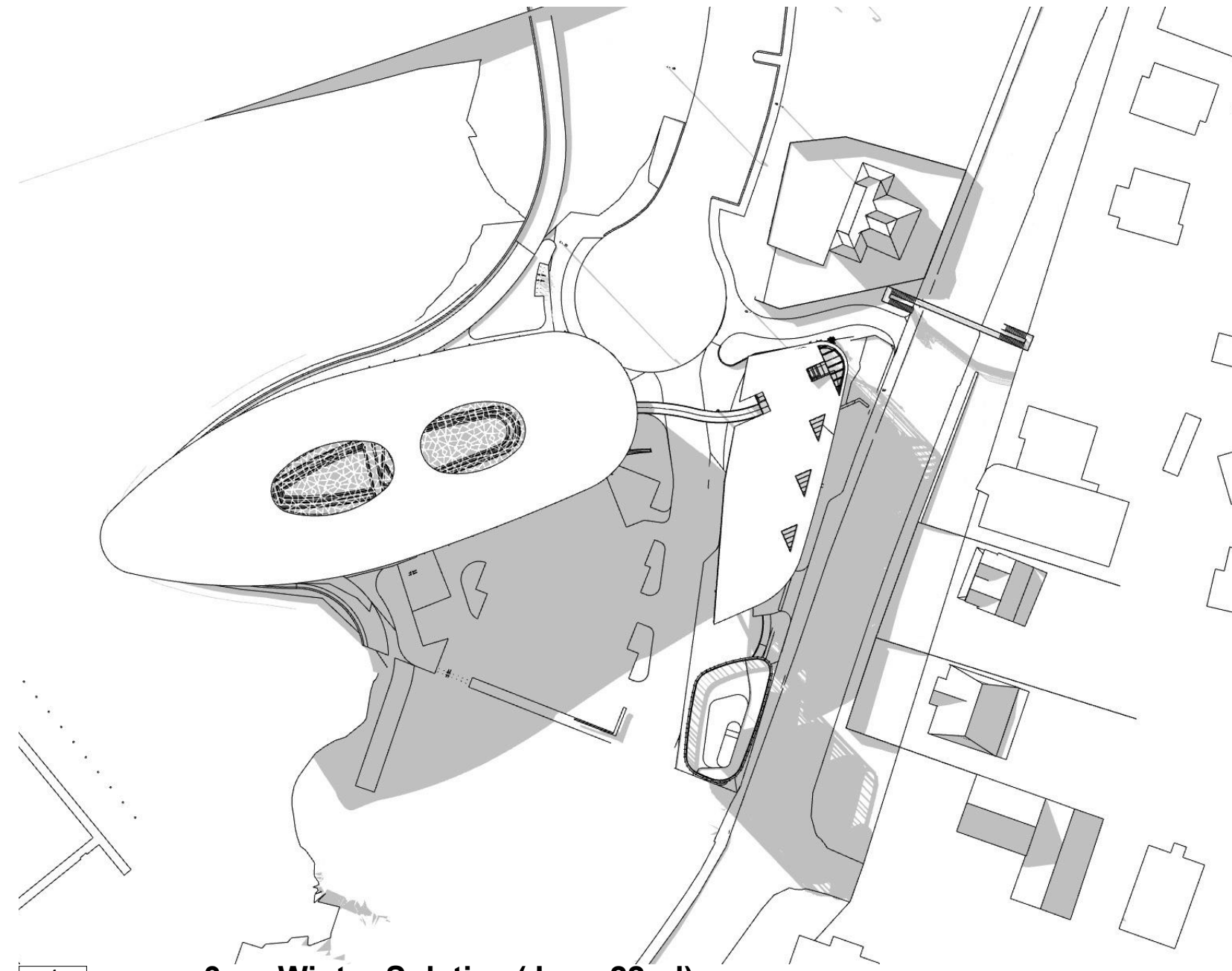
4 W-02 height comparison elevations
1:500



2 9am Winter Solstice (June 22nd)
1:2500



3 12pm Winter Solstice (June 22nd)
1:2500



1 3pm Winter Solstice (June 22nd)
1:2500

revisions				
Revision ID	Issue Date	Issue Name	Comment	Change ID
PRE	19/9/17	Issued to planning for pre-application		
C	29/9/17	Issued for development application		
D	5/10/17	revised issued for development application		
E	14/11/17	revised issue for development application		

ch-05 updated view to correct time and date setting

P R E L I M I N A R Y
NOT FOR CONSTRUCTION

original drawing size

1:10

1:50

1:100

1:200

1:10

1:50

1:100

1:200

Kangaroo Bay
Hunter Developments

Watum, 27 Hunter Street
Hobart
TAS 7000

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Site Diagrams
Preliminaries

status

print date

drawing n°

DA

Tuesday, 14 November 2017

1609-DA1.02

E

Agenda Attachments - 40 & 40a Kangaroo Bay Drive, Bellarine Page 12 of 24



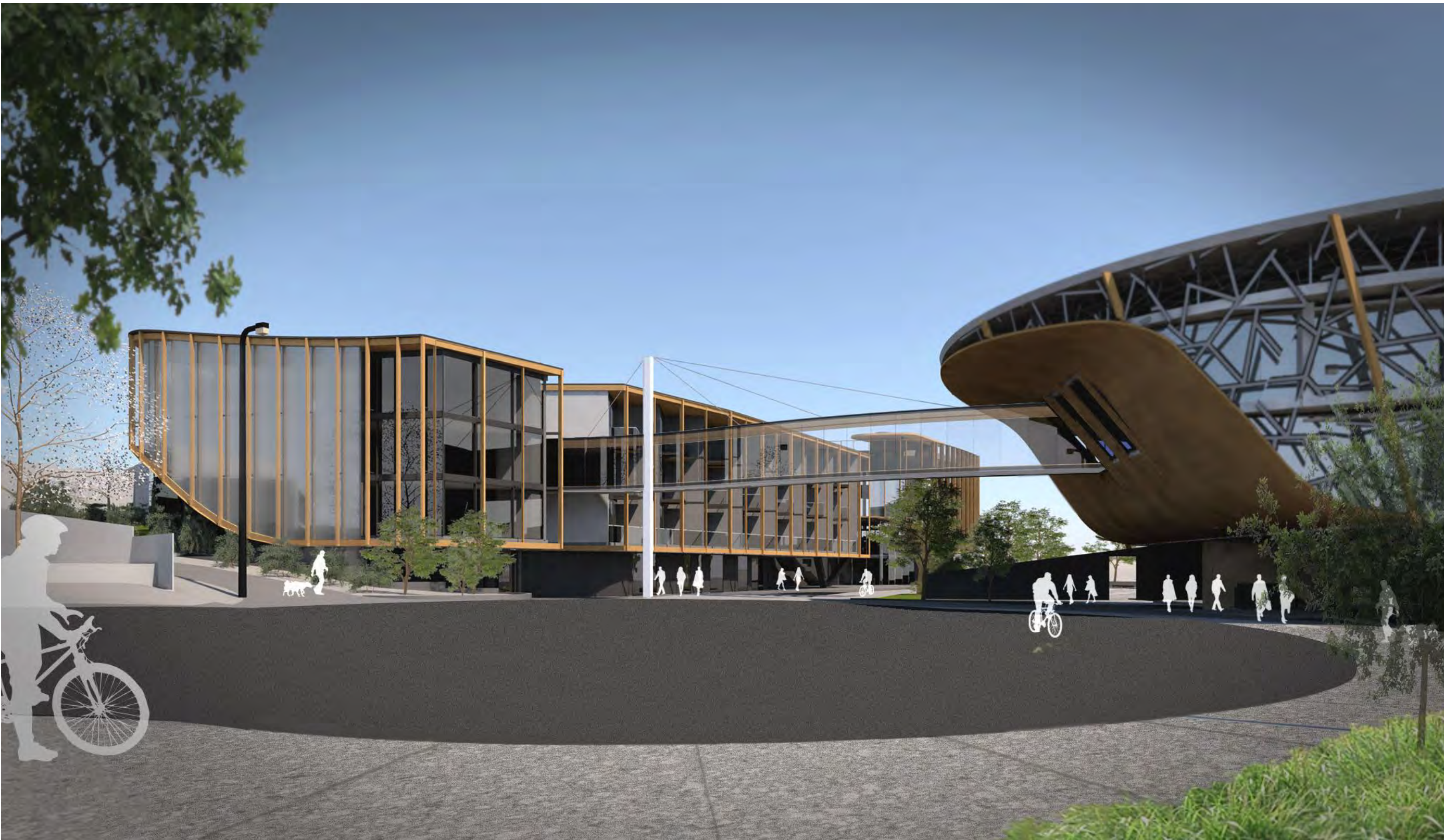
1
-
view from cambridge road 1



2
-
view from yacht club car park



3
-
view from cambridge road 2



4
-
view from kangaroo bay foreshore path

ch-04

revisions

Revision ID	Issue Date	Issue Name	Comment	Change ID	Description
PRE	19/9/17	Issued to planning for pre-application			
C	29/9/17	Issued for development application			
D	5/10/17	Revised issued for development application			
E	24/10/17	Revised issue for development application		ch-04	amended image titles

P R E L I M I N A R Y
N O T F O R C O N S T R U C T I O N

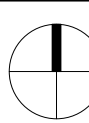
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Kangaroo Bay
Hunter Developments

Watum, 27 Hunter Street
Hobart TAS 7000

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circa morris-nunn architects
Contact

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03 6236 9544
info@circamorrisnunn.com.au

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3D Views
3D Images

status
print date
drawing r17

1609-DA4.01
F

Attachment 3 - Urban Design Assessment

Urban Design Assessment

DA : D_ 2017 / 444

Hotel and Hospitality Training School Kangaroo Bay

Hunter Developments
circa morris-nunn architects

In response to an Expressions of Interest process, an earlier and now revised Development Application for a Hotel and Hospitality Training School has been lodged with the City of Clarence. The relevant documents that underpin development of Kangaroo Bay (and have informed the EOI process) include the Urban Design Strategy Plan (2006), the Kangaroo Bay Development Plan (2010) and the City of Clarence Interim Planning Scheme (2015). This assessment is based on, and refers to these documents. Comment is also made in response to the previous DA : D_2016/ 506.



Kangaroo Bay is the historic and civic heart of the Clarence Municipality and a focus of continuing public improvements. October 2017

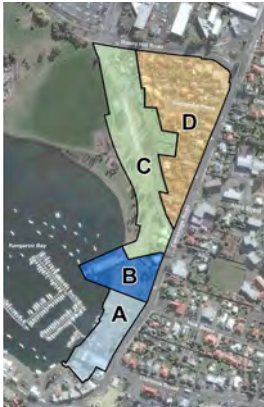
Leigh Woolley ©

Prepared for the City of Clarence by :

Leigh Woolley Architect
Urban Design Consultant

leigh@leighwoolley.com.au
November 11 2017

The DA proposal: Description



Kangaroo Bay Development Plan 2010 (NB Area B)

The proposed development includes a Hotel and hotel/ hospitality training school in adjacent buildings with associated car parking. Located within and occupying the full extent of Area B (Wharf) of the Kangaroo Bay Development Plan, the Hotel will be the principal building of the complex occupying the former reclaimed pier fronting the bay.

Aligned lengthways along the 'pier' and towards the bay, the building rises in height from Kangaroo Bay Drive toward the regional landscape of the harbour. Proposed as an ovoid form it will also become wider as its height increases. The main body of the building is three levels, with the 'prow' rising several additional levels as a curving arc tilting towards the water.

Linked by an elevated glass enclosed walkway to the adjacent Hotel accommodation and Hospitality Training School, the second and third

buildings provide linear curved forms with a recessed landscaped edge along Cambridge Road. The larger of these comprises hotel rooms with the hospitality school in a separate smaller footprint, but slightly taller, building with roof terrace. Cut into the escarpment beneath Cambridge Road, the hotel accommodation rises three levels above the ground floor entry level, also at the 'arrival' area adjacent Kangaroo Bay Drive. Pedestrian access from Cambridge Road is between each building via a flight of public stairs to the lower ground level.

Car parking is located between the two primary buildings. Along the north- west facing edge of the Hotel and Hospitality building, a combined vehicular, bicycle and pedestrian route extends the curving alignment of Kangaroo Bay Drive through the parcel to Area A. By contrast a dedicated public access way of 4m is identified as a water-edge pathway, between the bay and the hotel.

The arc of Kangaroo Bay as seen from Kunanyi. Civic improvements continue to focus the natural assets of Kangaroo Bay

Leigh Woolley ©



Urban Design Principles and Development Intentions: Kangaroo Bay

Developed over a number of years and consistent with the strategic context, the key urban design principles that have informed development intentions for Kangaroo Bay include:

- That the foreshore of Kangaroo Bay be treated as a **continuous public space** with an emphasis on a **safe and legible pedestrian movement** - linking the civic centre of Rosny Park and the traditional centre of Bellerive Village.
- Redevelopment of the Wharf precinct (Area B) to provide an important destination and **built form focus** with the building mass articulated into a number of building elements and to **allow through views and movement** by pedestrians perpendicular to the foreshore.
- Re-development of the old ferry terminal to provide an **architectural feature** cognizant of its location and visual importance in the bay while maintaining **public access and activity around its periphery**.
- That an **urban plaza** in the Wharf area, connect to the foreshore promenade creating a large events forecourt.
- Development along **Cambridge Road to provide a defined edge** to the street at a consistent scale, offering glimpses of the bay, and beyond, through corridors and laneways between buildings when viewed from Cambridge Road.





Fig 1. Above : UD Strategy (2006) and the continuous pathway arc around the bay. Note the location of the turning circle at the end of Kangaroo Bay Drive relative to the potential development footprints

Fig. 2. Above right: The potential development footprints anticipated from the UD Strategy overlain over the current DA proposal.



Assessment:

The proposal considered against the key principles

The site plan for the proposed Hotel and Hospitality Training facility and associated car parking identifies the principal building with a larger footprint than that envisaged in the urban design strategy. Accordingly the buildings along Cambridge Road are of a narrower footprint with the space 'between' of a different proportion, scale and alignment. The UD Strategy 2006 envisaged a turning circle closer to the 'pier' / wharf than that subsequently built. This has altered some of the assumed alignments. (Refer Figs 1 -3)

The foreshore as a continuous public space.

As the proposed building footprints differ proportionally from the urban design strategy, so the intended relationship to the foreshore edge has also changed. Where the strategy envisaged a visual and physical connectivity reinforcing the 'arc of the bay' as a pedestrian edge, (Refer Fig.1)

the proposal provides pedestrian access around the perimeter of the hotel building. Combined vehicular, bicycle and pedestrian access is also provided deeper within the site, adjacent the internal building edge to Cambridge Road. (Refer Fig. 3)

The result is the footpath on the Cambridge Road side of Kangaroo Bay Drive will provide a visual 'line of sight' through the lot, but not so the 'arc' of the bay. While pedestrian and cycle access will be provided around the water edge perimeter, this will not offer continuous 'visual' access.

The intention that the foreshore be treated as a 'continuous public space' can however be realized by the development, even though visual permeability of the foreshore will not be continuous. The proposed car park occupies much of the space envisaged within the urban design strategy plan as an open ('visually permeable') urban plaza.

The proposal highlights the need to design the undeveloped connection



Fig. 3. Above: The current proposed development footprints. Note the continuation of the water edge pathway around the building linking existing and future footpaths (black arrow /shading). Note also the pathway from the eastern side of Kangaroo Bay Drive and along the face of the Hotel and Hospitality and Training centre, deeper within the site (blue arrow). While not precisely aligning with the intended route of public access anticipated in the UD Strategy (2006) (Fig.1), the movement outcomes are not inconsistent.

between the existing public domain landscaping works in front of the Yacht Club Car Park, and the subject site. (Refer Fig. 3)

Built form focus – with building elements allowing ‘through-views’

Given its location, form and height the proposed hotel will provide the principal built form focus within the Kangaroo Bay environs. It will be supported by the Hotel and Hospitality Training Centre development along Cambridge Road, with the covered bridge between confirming a unified complex. This outcome is broadly anticipated by the Kangaroo Bay Zone Purpose Statements (35.1.1.1) :

‘to create a focal point for the city, with appropriate development.... that embraces the unique and high-profile nature of the area, while being responsive to the areas constraints and physical context’. (CIPS 2015)

While the intent is to assist in linking Rosny Park and Bellerive Village precincts – it is also to ensure they remain separate identities within the hierarchy of activity centres. While

the Wharf Site (Area B) should become a focal point within this sequence, it needs to also ensure visual and physical connection between the Boulevard (Area C) and Bellerive Village.

While the development is expected to provide a destination in its own right, this is not to assume it becomes the dominant feature of the (interlinked) precincts. Rather it should offer an appropriate edge to the bay and a point of activity. The intent in the zone statement is to reinforce the intention ‘to create a focal point for the city’..... not necessarily **the** focal point. The statement also acknowledges the areas constraints and physical context, which includes a narrowing of the width of the reclaimed edge within the area of the pier/ wharf. Also the existing form of the reclaimed ‘pier’ is rudimentary, and in need of considerable ‘making good’ to allow the extent of public access envisaged in the strategy. The provision of a smooth concrete surface pathway as an enhanced public perimeter, should therefore be considered a future public asset.

The composition of the two building elements – elliptical Waterfront Hotel and linear Hospitality Training School and Hotel, are offset from each other. This allows views, and the expectation of access, between the buildings and importantly through the lot. (Area B) Connectivity between the development areas is thus provided, albeit less centrally through Area B, than envisaged in the urban design strategy. (Refer Fig. 1)

As the principal built focus, the scale and form of the hotel is important especially when considering the location and its environs. Given its placement within the arc of the bay (incorporating the earlier rail alignment and peninsula / ‘pier’) the location will continue to provide



Maintaining a continuous path to the water edge, as part of an enhanced public domain, underpins expectations arising from the UD strategy. Viewing toward the extended arc of the bay beyond the reclaimed pier and the pier shed, prior to its demolition. (October 2017)

a natural focus. The location and the scale of building means it will be viewed 'across to', and viewed 'down upon', from the adjacent higher contours.

The location demands a built form that will be experienced 'in the round' where each surface is designed and considered a part of an interconnected whole. Accordingly the elliptical plan and ovoid shape could be seen to provide a particular, locationally appropriate response to a site which is a focal point of the interlinked precincts around Kangaroo Bay.

Architectural feature - maintaining public access around its periphery

The dual building components of principal hotel and hotel / training facility, though separate and different in form, will share similar design features and architectural character. The complex will contribute to and become a feature of the townscape of Kangaroo Bay. The projecting prow of the hotel, while prominent, will be lower than the leading edge of the tallest building in Bellerive Village, and the scale of the Cambridge Road buildings will be noticeably less than the recently developed Clarence Street mixed use development. The complex will contribute to the diverse architectural character of the interlinked precincts of Bellerive Village and Rosny Park, while generating its own distinctive character.

In contributing to the public domain the development will provide a dedicated 4m wide public access around the perimeter of the hotel. The ground floor of this is to be restaurant, hotel guest lounge and function space and commercial tenancy. Although a 5m wide public edge was identified in the Strategy, 4m is considered an acceptable minimum. This will connect to the

upgraded public spaces both north and south of the development.

On the northern side where public domain improvements have recently been completed, the connections are logical, while on the southern side alignments are less direct. The pathway alignment now proposed significantly improves access from that previously submitted. It is anticipated that this will more readily assist in generating further adjacent public domain improvements.

As previously identified, the primary visual link between the buildings (aligned from the turning circle at the end of Kangaroo Bay Drive) also provides vehicular, bicycle and pedestrian pathways as a route adjacent the Hospitality and Training building. While the UD Strategy acknowledged the desire for a shared pavement (as a secondary access to the yacht club car park) this was to be separated from a desired events forecourt. The extent of hotel building footprint and car parking mitigates against a potential events forecourt in the proposal. The vehicular, bicycle and pedestrian pathway aligns these activities deeper into the adjacent Area A than envisaged in the UD Strategy. This will have implications on the location and potential of a future events space.

Urban plaza and events forecourt

The Urban Design Strategy envisaged an urban plaza associated with the natural 'terminus' historically provided by the location. The plaza was also mooted in light of a possible civic use as part of the potential future development of the Wharf precinct. The potential 'line of sight' assumed to be available from the foreshore pathway north of Area B, more or less due south past the edge of the turning circle, would have connected



The rudimentary reclaimed rock pier and pier shed - prior to recent demolition. Views around the edge of the bay will continue to offer orientation, even though a visual 'line of sight' through Lot B will not follow the arc of the bay . (October 2017)

with the upgraded foreshore pathway beyond the Bellerive Yacht Club. (Refer Fig. 1)

The scale and footprint of the Hotel building (and associated car parking) mitigates against a visual 'line of sight' through the lot, intended to reinforce the 'arc of the bay'. This outcome may also be, in part, a result of the turning circle being ultimately built further north than envisaged in the strategy, thus allowing a larger building on the 'pier' site. Together with the functions of the Hospitality and Training School, including associated car parking, the residual site area available for an urban plaza has been absorbed.

The design of the undeveloped space between Area B and the northern component of Area A could possibly accommodate some of these intentions, notwithstanding that the hotel and hospitality training school function is a less civic use than that envisaged by the Strategy.

Cambridge Road to provide a defined edge

The buildings proposed along Cambridge Road reinforce and extend along the width of the lot, comprising the south-eastern boundary of Area B. Comprising two curved lineal buildings, their appearance when viewed obliquely along Cambridge Road - (perspective 03 A), suggest a continuous edge. However the Hospitality School as a stand-alone building, becomes obvious with movement south along Cambridge Road. (perspective 03 B). The defined break also provides a public point of access from Cambridge Road to the lower foreshore level, as well as entry to the Hospitality School. It also reinforces the desire from the UD strategy, that 'building mass along Cambridge Road

be articulated into a number of building elements to allow views through and movement by pedestrians perpendicular to the foreshore'.

Apart from an identified commercial tenancy to its north-eastern corner, the 'undercroft' (ground level) of the hotel facing the car park and arrivals area, parallel with Cambridge Road, is intended to be teaching and administrative spaces. (CCC email confirmation 10.Nov.) Having this edge activated will assist future public domain enhancements and activity beyond. Facing Kangaroo Bay and rising three levels above this lower ground level, the principal building volume along Cambridge Road accordingly rises 2.5 levels above the road level, as a curved sinuous form.

Being further south along the descending contour, the Hospitality School rises three full levels above Cambridge Road. A roof terrace is proposed, necessitating an access stair and lift over-run and associated covered area. This gives rise to some additional height (and activity) to the building. This serves to identify the development, especially when viewing from the south, north-east along Cambridge Road. It also provides, by virtue of its curved form and recessed ground floor, a transition in scale across the problematic escarpment beneath Cambridge Road.

Acknowledging the role the development will play within the precinct, and the expectation that development along Cambridge Road should provide a defined edge with public access and movement around its periphery, the built scale proposed is considered an appropriate architectural and urban design response, consistent with the intentions of the Urban Design Strategy.

Summary

The proposal will provide a distinctive focus and an architectural feature to the extended Kangaroo Bay precinct. While the functions of hotel and hospitality training facility are less 'civic' than may have been anticipated at the time of the UD Strategy, the complex will provide a destination in its own right.

Although the degree of 'visual permeability' envisaged via pedestrian movement around the 'arc of the bay' will be somewhat less open and continuous, the Hotel will provide active uses at ground level while providing continuous public access and walkways around the perimeter of the buildings.

The loss of public plazas, in part a consequence of a recalibration of the lot dimensions following completion of the road works and the Kangaroo Bay Drive turning circle, has been in part offset by providing a wider curtilage on the southern side of the building. This now offers a more legible, less contorted public route than that previously proposed. It will also influence and contribute to the further upgrading and extension of the public edge beyond the Bellerive Yacht Club.

The scale of the buildings both reinforce and extend the massing anticipated in the UD Strategy and Development Plan. The principal hotel building is primarily three levels rising several additional levels as a curving tilting prow and feature element. While prominent, it is not necessarily inconsistent with the intention that the location be a built form focus to the precinct, while also providing definition to the public space of which it is a part. Its elliptical plan and ovoid form will ensure it contributes 'in the round' both to its own site as well as the Kangaroo Bay more broadly.

The building frontage along Cambridge Road will provide a considered edge at

an appropriate scale, also providing a distinctive architecture. While providing a defined edge, the separate building elements narrow to focus an entry and public link across and down the escarpment.

Although the height of the leading edge along Cambridge Road is similar to the previous scheme - the combination of reduced overall building mass, the defined break between buildings, and a material palette including vertically expressed timber, will provide a finer grain to Cambridge Road. Reducing the overall roof height and building mass will also likely reduce view impacts from neighbourhoods on rising ground to the south-east.

As a revised feature of the development, the now glazed-in pedestrian bridge will more forcefully link the adjacent buildings. Consideration may be needed to ensure it does not inadvertently discourage public movement through the precinct.

The development proposal provides a considered response to the urban design principles and site development intentions for Kangaroo Bay. While some of the civic expectations from the earlier guiding documents have changed in response to the proposed building type and its infrastructure demands, the solution proposed should positively contribute to and enhance the public domain.



Leigh Woolley
November 11 2017

Attachment 4 - Site Photo

40 & 40A Kangaroo Bay Drive, ROSNY PARK and 64C. 76 & 78 Cambridge Road, BELLERIVE

Site viewed from Cambridge Road pedestrian overpass





September 5, 2017

Re: KANGAROO BAY DEVELOPMENT

Fees for a new DA to amend the Cambridge Road Buildings

Attention:

Andrew Paul

General Manager
Clarence City Council

Dear Andrew,

I am writing this letter to request whether the fees for a new DA for a revised design of the buildings can be waived. We have redesigned the buildings facing onto Cambridge Road, which arose as a result of massive community concern regarding our proposed tourism development at Kangaroo Bay.

As you know we have met with members of the community on a number of occasions over the last few months and listened closely to their concerns. As well, we have in turn honestly tried to brief them as to what we as architects are able to do within the framework of the design briefs we have been given by TAFE and Chambroad.

As you are aware, we originally proposed this revision as a Minor Amendment DA, supported by planning consultant's advice and independent legal opinion. The Council obtained its own opinion, and regardless of the better community outcome, council officers did not feel they were able to agree to these changes being a Minor DA.

Since then we have again met with members of the community group, and freed of the restriction of trying to fit the revisions in with what we considered to be acceptable as a Minor DA, we have now further amended the design to be the most appropriate it can be with regard to meeting the needs of the local community and still fulfil the needs of both the hotel and TAFE.

Needless to say, all this has involved us in considerably yet more time and effort, and indeed the task was one that had to be undertaken prior to the purchase of the land by Chambroad, as they were unconvinced of the need and we were informed that they would not give us consent to lodge after the transfer of the land had been completed.

All this effort was undertaken in order to build bridges with the local community, which we see as being of great importance. Proceeding with a major development over entrenched animosity was not something that we wanted as preferred developers of the site. We presented preliminary proposals to senior Council staff, including the Mayor just before he left on holidays, and he personally thanked us for persevering on everyone's behalf.

In summary, we sincerely hope Clarence Council can assist us by waiving the Application Fees for the DA your officers are about to receive.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'R. Morris-Nunn', written in a cursive, flowing style.

Prof. Robert Morris-Nunn AM
Director/Architect