

**MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL (PLANNING AUTHORITY) HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 18 DECEMBER 2017**

**HOUR CALLED:** 5.30pm

**PRESENT:** The meeting commenced at 5.31pm with the Mayor (Ald D C Chipman) in the Chair and with Aldermen:

N M Campbell  
H Chong  
P Cusick  
D Doust  
D Hulme (arrived at 5.38pm)  
R H James  
P K McFarlane  
J Peers  
D Thurley  
S von Bertouch  
J Walker; present.

**1. APOLOGIES** D Hulme (for late arrival)

**ORDER OF BUSINESS** Items 1 –3

**IN ATTENDANCE** General Manager  
(Mr A Paul)  
Corporate Treasurer  
(Mr F Barta)  
Corporate Secretary  
(Mr A van der Hek)  
Group Manager Engineering Services  
(Mr R Graham)  
Manager City Planning  
(Mr R Lovell)  
Manager Health and Community Development  
(Mr J Toohey)  
Senior Statutory Planner  
(Mr B Gibbs)

The Meeting closed at 7.16pm.

Prior to the commencement of the meeting, the Mayor made 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 advised 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**

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**1. ATTENDANCE AND APOLOGIES**

Refer to cover page.

**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.

**INTEREST DECLARED**

Nil.

**3. REPORTS OF OFFICERS**

**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<sub>ax</sub>) 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.

**PART A – DEPUTATIONS**

Ms Kate Loveday (Proponent);

addressed the Meeting and answered questions from Aldermen.

Ald Hulme arrived at 5.38pm.

Mr Stephen Harper (Representor);  
Ms Cheryl Davison (Representor);

addressed the Meeting and answered questions from Aldermen.

Ms Sachie Yasuda (Representor);

addressed the Meeting.

**PART B – FORMAL PROCEEDINGS**

<b>Decision:</b>	<b>MOVED</b> Ald McFarlane <b>SECONDED</b> Ald Thurley																								
	“That the Recommendation be adopted”.																								
	<b>CARRIED</b>																								
	<table><tr><td><b>FOR</b></td><td><b>AGAINST</b></td></tr><tr><td>Ald Campbell</td><td>Ald James</td></tr><tr><td>Ald Chipman</td><td></td></tr><tr><td>Ald Chong</td><td></td></tr><tr><td>Ald Cusick</td><td></td></tr><tr><td>Ald Doust</td><td></td></tr><tr><td>Ald Hulme</td><td></td></tr><tr><td>Ald McFarlane</td><td></td></tr><tr><td>Ald Peers</td><td></td></tr><tr><td>Ald Thurley</td><td></td></tr><tr><td>Ald von Bertouch</td><td></td></tr><tr><td>Ald Walker</td><td></td></tr></table>	<b>FOR</b>	<b>AGAINST</b>	Ald Campbell	Ald James	Ald Chipman		Ald Chong		Ald Cusick		Ald Doust		Ald Hulme		Ald McFarlane		Ald Peers		Ald Thurley		Ald von Bertouch		Ald Walker	
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