

COUNCIL MEETING
MONDAY 16 JANUARY 2023

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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. ACKNOWLEDGEMENT OF COUNTRY

The Mayor will:

- make the following statement:

“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”.

- invite those present to pause for a moment of quiet reflection and respect before commencing the council meeting.
- advise the Meeting and members of the public that Council Meetings, not including Closed Meeting, are livestreamed, audio-visually recorded and published to Council’s website. The meeting is not protected by privilege. A link to the Agenda is available via Council’s website.

2. APOLOGIES

Cr Walker (Leave of Absence)

3. DECLARATIONS OF INTERESTS OF COUNCILLORS OR CLOSE ASSOCIATE

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015 and Council’s adopted Code of Conduct, the Mayor requests Councillors 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.

4. OMNIBUS ITEMS**4.1 CONFIRMATION OF MINUTES****RECOMMENDATION:**

That the Minutes of the Council Meeting held on 19 December 2022, as circulated, be taken as read and confirmed.

4.2 MAYOR'S COMMUNICATION**4.3 COUNCIL WORKSHOPS**

An Aldermen's Meeting Briefing (workshop) was conducted on the Friday immediately preceding the Council Meeting.

RECOMMENDATION:

The Aldermen's Meeting Briefing (workshop) conducted on the Friday immediately preceding the Council Meeting be noted.

4.4. TABLING OF PETITIONS

(Note: Petitions received by Councillors are to be forwarded to the Chief Executive Officer within seven days after receiving the petition).

Petitions are not to be tabled if they do not comply with Section 57(2) of the Local Government Act, or are defamatory, or the proposed actions are unlawful.

4.5 REPORTS FROM OUTSIDE BODIES

This agenda item is listed to facilitate the receipt of both informal and formal reporting from various outside bodies upon which Council has a representative involvement.

REPORTS FROM SINGLE AND JOINT AUTHORITIES

Provision is made for reports from Single and Joint Authorities if required.

Council is a participant in the following Single and Joint Authorities. These Authorities are required to provide quarterly reports to participating Councils, and these will be listed under this segment as and when received.

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representative: Cr James Walker

Quarterly Reports

September and December Quarterly Reports pending

Representative Reporting

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

4.6 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 19 December 2022 and 2 and 9 January 2023 have been circulated to Councillors.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 19 December 2022 and 2 and 9 January 2023 be noted.

5. PUBLIC QUESTION TIME

Public question time at ordinary Council meetings will not exceed 15 minutes. An individual may ask questions at the meeting. Questions may be submitted to Council in writing on the Friday 10 days before the meeting or may be raised from the Public Gallery during this segment of the meeting.

The Chairman may request a Councillor or Council officer to answer a question. No debate is permitted on any questions or answers. Questions and answers are to be kept as brief as possible.

5.1 PUBLIC QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, a member of the public may give written notice to the Chief Executive Officer of a question to be asked at the meeting). A maximum of two questions may be submitted in writing before the meeting.

Questions on notice and their answers will be included in the minutes.

Denise Hoggan has given notice of the following questions:

12A AKUNA STREET, ROSNY

1. Who makes /made the decision about whether or not the Development Application for 12A Akuna Street, Rosny, which expires this January 2023, is extended?
2. When will the matter of a sub-lease be discussed in open council if the Development Application is extended?

5.2 ANSWERS TO QUESTIONS ON NOTICE

The Mayor may address Questions on Notice submitted by members of the public.

5.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

5.4 QUESTIONS WITHOUT NOTICE

The Chairperson may invite members of the public present to ask questions without notice.

Questions are to relate to the activities of the Council. Questions without notice will be dependent on available time at the meeting.

Council Policy provides that the Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that relates to any item listed on the agenda for the Council meeting (note: this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council Meeting Agenda).

When dealing with Questions without Notice that require research and a more detailed response the Chairman may require that the question be put on notice and in writing. Wherever possible, answers will be provided at the next ordinary Council Meeting.

6. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2015 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)

7 PLANNING AUTHORITY MATTERS
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In accordance with Regulation 25 (1) of the Local Government (Meeting Procedures) Regulations 2015, the Mayor advises that the Council intends to act as a Planning Authority under the Land Use Planning and Approvals Act 1993, to deal with the following items:

7.1 DEVELOPMENT APPLICATION PDPLANPMTD-2022/028588 – 1 GORDON STREET, RICHMOND - OUTBUILDING**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an outbuilding at 1 Gordon Street, Richmond.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Local Historic Heritage Code, the Safeguarding of Airports Code and the Parking and Sustainable Transport Code under the Tasmanian Planning Scheme - Clarence (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 expires with the written consent of the applicant on 18 January 2023.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and three representations were received raising the following issues:

- Impact on heritage character;
- Proposed use;
- Impact on amenity;
- Location of building in relation to service infrastructure;
- Land value;
- Traffic impact;
- Stormwater.

RECOMMENDATION:

A. That the Development Application for an outbuilding at 1 Gordon Street, Richmond (Cl Ref PDPLANPMTD-2022/028588) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN M7 – DOMESTIC USE.
3. The development must meet all required Conditions of Approval specified by TasWater notice dated 28 June 2022 (TWDA 2022/01006-CCC).

ADVICE

- A Building Surveyor is required to be engaged to create and certify an Application for Building Approval.
- 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.

ASSOCIATED REPORT**1. BACKGROUND**

A planning permit was granted on 5 October 2009 under SD-2009/251 for additions to the existing dwelling on the site. The approved development has since been constructed as approved.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned General Residential under the Scheme.

2.2. The proposal is discretionary because it does not meet certain Acceptable Solutions under the Scheme.

2.3. The relevant parts of the Planning Scheme are:

- Section 5.6 – Compliance with Applicable Standards;
- Section 6.10 – Determining Applications;
- Section 8.0 – General Residential Zone;
- Section C2.0 – Parking and Sustainable Transport Code;
- Section C6.0 – Local Historic Heritage Code; and
- Section C16.0 – Safeguarding of Airports Code.

2.4. The Safeguarding of Airport Code applies to the site; however, given that the Obstacle Limitation Area (OLS) for the area is 147m AHD and the site is at 21m AHD, Clause C16.4.1 provides that the proposal is exempt from the provisions of the code.

- 2.5.** Council's assessment of this proposal should also consider the issues raised in any 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 a 1534m² corner lot with frontage to both Percy and Gordon Street, at Richmond. The site supports an existing dwelling, an 80m² outbuilding and a 14m² garden shed, together with associated landscaped gardens. Vehicular access to the site is from an existing driveway to Gordon Street, together with two existing tandem car parking spaces located between the outbuilding and southern (front) boundary. Landscaping exists between the dwelling and the Gordon Street property boundary, with the exception of the driveway area.

The site is located within the northern part of the established residential area at Richmond, bounded by Colebrook Road (bypass) to the west and Victoria Street to the north. The surrounding area is largely characterised by single dwellings on larger allotments, together with established and extensive gardens.

The site is located within a Local Heritage Precinct as defined by the Scheme at Richmond; however, there are no Local Heritage Places listed by the Local Historic Heritage Code within proximity of the site. Nearby sites at 27 Percy Street and 23A Franklin Street are listed as places of heritage significance by the Tasmanian Heritage Register.

The location of the site is shown in Attachment 1.

3.2. The Proposal

The proposal is for the development of an outbuilding on the site. The proposed outbuilding would have a footprint of 200m², with 140m² of that being an enclosed garage and 60m² being an open carport and facing south where adjacent to the existing dwelling. It would be sited in the location of an existing outbuilding which would be demolished as part of the proposal.

The outbuilding would be clad using Colorbond, using the colour “Manor Red” to match the existing dwelling. It would be 4.18m above natural ground level at its highest point, would have gable /lean-to style and would be located 1.9m from the eastern (side) boundary and 2.5m from the northern (rear) boundary. The proposal plans are provided in Attachment 2.

4. PLANNING ASSESSMENT

4.1. Compliance with Applicable Standards [Section 5.6]

“5.6.1 A use or development must comply with each applicable standard in the State Planning Provisions and the Local Provisions Schedules.”

4.2. Determining Applications [Section 6.10]

“6.10.1 In determining an application for any permit for use or development the planning authority must, in addition to the matters required by section 51(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 section 57(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.”*

References to these principles are contained in the discussion below.

4.3. General Provisions

The Scheme contains a range of General Provisions relating to specific circumstances not controlled through the application of Zone, Code or Specific Area Plan provisions.

There are no General Provisions relevant to the assessment of this proposal.

4.4. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone and Parking and Sustainable Transport and Historic Heritage Codes with the exception of the following.

Historic Heritage Code

- **Clause C6.7.1 A1** – the proposal includes the demolition of an existing outbuilding within the Historic Heritage Precinct, which would be visible from Gordon Street.

The proposed variation must therefore be considered pursuant to the Performance Criteria (P1) of Clause C6.7.1 as follows.

Clause	Performance Criteria	Assessment
C6.7.1 P1	<p><i>“Within a local heritage precinct, demolition of a building, works or fabric, including trees, fences, walls and outbuildings, must not cause an unacceptable impact on the local historic heritage significance of the local heritage precinct as identified in the relevant Local Provisions Schedule, having regard to:</i></p> <p><i>a. the physical condition of the building, works, structure or trees;</i></p> <p><i>b. the extent and rate of deterioration of the building, works, structure or trees;</i></p> <p><i>c. the safety of the building, works, structure or trees;</i></p> <p><i>d. the streetscape in which the building, works, structure or trees is located;</i></p>	<p>The existing outbuilding proposed for demolition is of a modern style and is located at the site of the proposed outbuilding.</p> <p>The building is in a well-maintained condition, clad using Colorbond.</p> <p>The building is not in a state of deterioration.</p> <p>There are no safety issues posed by the existing outbuilding.</p> <p>Council’s Heritage Advisor has considered the proposed demolition as part of the assessment of this proposal and is of the opinion that the existing outbuilding is of no significance in the context of the local historic heritage precinct and streetscape.</p>

	<p>e. <i>the special or unique contribution that the building, works, structure or trees makes to the streetscape or townscape values of the local heritage precinct identified in the relevant Local Provisions Schedule;</i></p> <p>f. <i>any options to reduce or mitigate deterioration;</i></p> <p>g. <i>whether demolition is a reasonable option to secure the long-term future of a building; works or structure; and</i></p> <p>h. <i>any economic considerations.”</i></p>	<p>The demolition would result in no loss of streetscape or townscape values identified in the local heritage precinct.</p> <p>Not applicable.</p> <p>The proposed demolition is required to facilitate the development of the proposed outbuilding, if approved.</p> <p>Not applicable.</p>
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Historic Heritage Code

- **Clause C3.7.3 A1** – the proposal includes the development of an outbuilding within the Historic Heritage Precinct, which would be visible from Gordon Street.

The proposed variation must therefore be considered pursuant to the Performance Criteria (P1.1) of Clause C6.7.1 as follows.

Clause	Performance Criteria	Assessment
C3.7.3 P1.1	<p><i>“Within a local heritage precinct, design and siting of buildings and works, excluding demolition, must be compatible with the local heritage precinct, except if a local heritage place of an architectural style different from that characterising the precinct, having regard to:</i></p>	<p>See below assessment.</p> <p>The proposed outbuilding would be set well back from the street frontage and sits well behind the predominant building line established by the existing dwelling, relating to the Gordon Street frontage.</p>

	<p>(a) <i>the streetscape or townscape values identified in the local historic heritage significance of the local heritage precinct, as identified in the relevant Local Provisions Schedule;</i></p> <p>(b) <i>the character and appearance of the surrounding area;</i></p> <p>(c) <i>the height and bulk of other buildings in the surrounding area;</i></p> <p>(d) <i>the setbacks of other buildings in the surrounding area; and</i></p> <p>(e) <i>any relevant design criteria or conservation policies for the local heritage precinct, as identified in the relevant Local Provisions Schedule.”</i></p>	<p>Council’s Heritage Advisor considers that the townscape values call for retention of distinctive character via compatible scale of buildings and style (amongst other criteria). While the scale of the proposed building is acknowledged, it is considered that the proposed location of the building behind the established building line limits the impact on the Gordon Street streetscape at this point.</p> <p>The proposal utilises similar colours and materials to adjoining properties; however, it is acknowledged that there do not appear to be any outbuildings of similar scale within the immediate precinct related to domestic use.</p> <p>The height of the proposal appears consistent with those of surrounding building stock. While the area of the proposed building is acknowledged, the appearance of bulk is limited by the existing landscaping when viewed from Gordon Street, and the existing dwelling and landscaped areas between the building and the Percy Street frontage of the site.</p> <p>Setbacks from the street frontage and side boundaries appear consistent with the surrounding precinct.</p> <p>None applicable.</p>
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		On balance and despite concerns relating to the scale of the proposed outbuilding, Council's Heritage Advisor considers that the proposed outbuilding would meet the tests of this performance criterion.
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5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and three representations were received. The following issues were raised by the representors.

5.1. Impact on Heritage Character

Concerns are raised by the representations that the volume and size of the building, together with the proposed setbacks, are not suited to the residential area within which the site is located. The volume and site coverage of the proposed outbuilding are also raised as concerns in terms of the inappropriateness for a domestic lot within a residential area.

- **Comment**

It is considered that the proposal meets the relevant tests of the Scheme in relation to the impact of location of the site within a historic heritage precinct, as articulated by Clauses C6.7.1 (P1) and C6.7.3 (P1.1). While it is acknowledged that the proposed outbuilding would be of a substantial size, the proposal does, for the reasons discussed in Section 4 of this assessment, satisfy the associated performance criteria. The refusal of the proposal is therefore not justified in relation to this issue.

5.2. Proposed Use

The representations raise the likely use of the outbuilding as a concern, given the proposed height and footprint of the structure. The specific concern is that the building proposed is of a commercial /industrial scale, and that the representors consider it unlikely to be used solely for domestic purposes.

A series of queries was raised by the representations in relation to the nature of power provision to the building, whether a “mechanics” pit will be installed, what cranes /gantries will be installed, and what hazardous materials may be stored and used.

- **Comment**

The development application made is for a domestic outbuilding associated with the existing dwelling on the site. Commercial use is not proposed by the application, and the queries raised in relation to any internal machinery and storage of materials are not relevant matters under the Scheme. The applicant submits that the purpose of the outbuilding is for storage, together with maintenance of vehicles and other items associated with the existing, established residential use.

The residential use of the site as a single dwelling is established and is a permitted (no permit required) use within the zone. The submission of the applicant is accepted in relation to the proposed use; however, it is appropriate to apply a permit condition to confirm that the building is approved only for domestic purposes.

Matters relating to noise are regulated by the *Environmental Management and Pollution Control Act 1994*, together with the *Environmental Management and Pollution Control (Noise) Regulations 2016*. Such matters are investigated by Council’s Environmental Health officers.

For the reasons discussed above, it is considered that this issue is not of determining weight and does not justify the refusal of the proposal.

5.3. Impact on Amenity

The representations raise concern in relation to the impact of the proposed building upon both residential amenity and general amenity, more broadly in the context of Richmond being a tourist town.

- **Comment**

The proposed development satisfies the relevant acceptable solutions of the General Residential Zone in relation to building envelope, site coverage and privacy at Section 8.4 of the Scheme. The proposal is considered to meet the relevant tests of the Scheme in relation to the impact of location of the site within a historic heritage precinct, as articulated by Clauses C6.7.1 (P1) and C6.7.3 (P1.1). For these reasons, it is considered that this issue is not of determining weight.

5.4. Location of Building in relation to Service Infrastructure

Concern was raised by the representations that the site of the proposed outbuilding is over existing TasWater sewer infrastructure, which also services adjacent land. It is submitted that this does not comply with the TasWater *Guidelines for Building near Sewer or Water Pipelines Version 2.0*, which requires that the proposed structure is 1.0m clear of the TasWater infrastructure.

- **Comment**

The proposed development was referred to TasWater as required. In response, a “Submission to Planning Authority Notice” was received which provided a series of conditions relevant to the development and includes a condition requiring that the consent of TasWater must be obtained if it is proposed to develop over infrastructure. This would involve the location of the infrastructure (by the proponent) and must satisfy the tests of Section 56W of the *Water and Sewerage Industry Act 2008* for the consent of TasWater. This is a matter regulated by TasWater in relation to its infrastructure and not of determining weight in relation to the development application.

5.5. Land Value

Concern is raised by the representations that the scale of the proposed outbuilding would detract from the heritage values of Richmond, and that this would therefore decrease the value of the nearby and adjacent properties.

- **Comment**

Loss of property value is not a relevant consideration under the Scheme and to the discretions sought by the proposal. This issue is therefore not of determining weight.

5.6. Traffic Impact

The representations raise concerns that Gordon Street is a narrow street, and that the existing property access is of insufficient width for manoeuvring of vehicles if vehicles are parked on both sides of Gordon Street.

- **Comment**

The access to the subject property is existing and Council's Development Engineers are satisfied that the access is of an appropriate width and standard for the existing residential use. The proposed outbuilding would be a domestic building associated with the existing dwelling and would therefore not generate any additional or large vehicle movements. On this basis, it is considered that this issue raised by the representations is not of determining weight.

5.7. Stormwater

The representations raise concerns that stormwater runoff from the proposed outbuilding would create issues and would need to be of an industrial scale for such a development.

- **Comment**

Management of stormwater runoff is not a matter addressed by the Scheme. That said, Council's Development Engineers are satisfied that there is capacity within the existing stormwater network to cater for the likely runoff associated with the proposal. This issue therefore does not justify the refusal of the proposal.

6. EXTERNAL REFERRALS

The proposal was referred to TasWater, who have provided a series of conditions to be included on the planning permit if granted. The TasWater conditions are included in Attachment 3.

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. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2021-2031 or any other relevant Council policy.

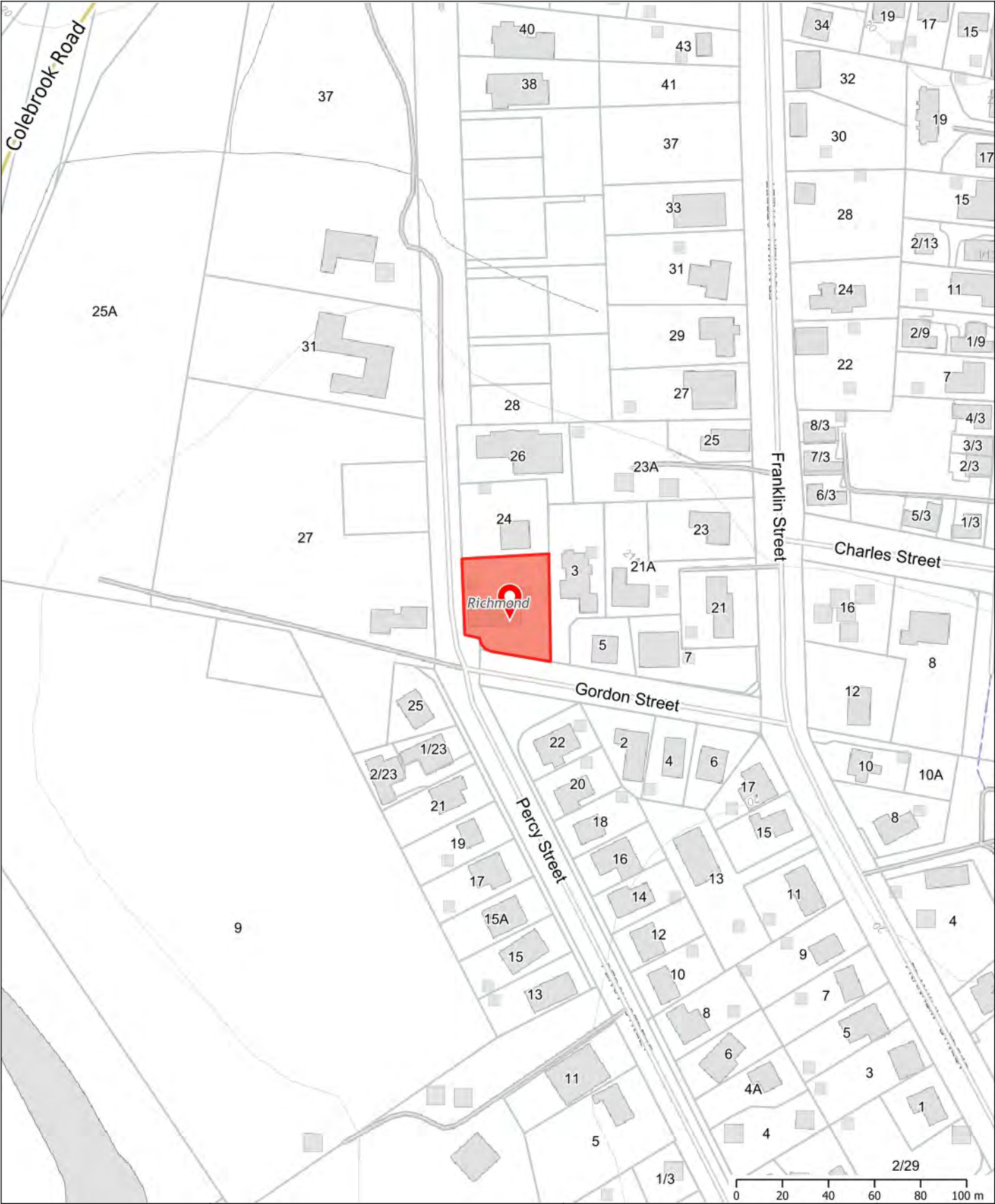
9. CONCLUSION

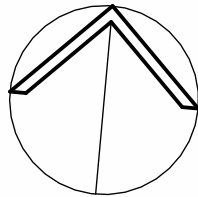
The proposal is for the development of an outbuilding at 1 Gordon Street, Richmond. The proposal satisfies the relevant requirements of the Scheme and is therefore recommended for approval subject to conditions.

Attachments: 1. Location Plan (1)
2. Proposal Plan (2)
3. TasWater Submission (2)
4. Site Photo (2)

Ross Lovell
MANAGER CITY PLANNING

Council now concludes its deliberations as a Planning Authority under the Land Use Planning and Approvals Act, 1993.





PERCY STREET

GORDON STREET

SITE INFORMATION

LAND TITLE REFERENCE 152747/1
WIND CLASSIFICATION UNKNOWN - TBC
SOIL CLASSIFICATION UNKNOWN - TBC

CLIMATE ZONE 7
BUSHFIRE ATTACK LEVEL BAL-LOW
PROPERTY NOT LOCATED WITHIN "BUSHFIRE PRONE AREAS" LAYER
UNDER "TASMANIAN PLANNING SCHEME - CODE OVERLAY" LAYER
(LISTmap) AS OF 10/06/2022

ALPINE AREA NO
CORROSION ENVIRONMENT MODERATE
OTHER HAZARDS NIL KNOWN

SITE AREAS

LAND AREA (APPROXIMATE) 1534m²

EXISTING DWELLING 290.0m²
OUTBUILDINGS 243.0m²

SITE COVERAGE 533.0m²
SITE COVERAGE PERCENTAGE 34.7%

TOTAL ROOF AREA (APPROXIMATE) 533m²
DRIVEWAY AREA (APPROXIMATE) 116m²
OTHER IMPREVIOUS PAVEMENT 65m²
TOTAL IMPERVIOUS AREA 714m²

IMPERVIOUS FREE AREA 820m²
IMPREVIOUS FREE PERCENTAGE 53.4%



PROPOSED 10m x 14m SHED

140m²

PROPOSED 10m x 6m CARPORT

60m²

TOTAL AREA 200m²
FFL RL APPROX 100.00

EXISTING SEWER LINE; INDICATIVE LOCATION

EXISTING SHED TO BE DEMOLISHED
(APPROX 13.4x6m)

HORIZONTAL DATUM (NORTH) IS APPROXIMATE TO GDA94
VERTICAL DATUM (HEIGHT) IS TO ARBITRARY DATUM
BOUNDARY DISTANCES AND CONTOUR HEIGHTS ARE IN METRES
SITE NOT VERIFIED BY SURVEY
CONTOUR INFORMATION NOW SHOWN - FOR PLANNING
APPROVAL PURPOSES, WE DEEM THE SITE TO BE LEVEL

DATE	REVISION/ISSUE	DRAWING LIST
10/06/2022	DEVELOPMENT APP	SITE PLAN
22/09/2022	REVISED DESIGN	OUTBUILDING PLAN, ELEVATIONS
09/11/2022	REVISED DESIGN	



Catalyst Design & Drafting Pty Ltd
ABN 98 546 582 336
PO Box 2030 Howrah TAS 7018
0410 606 900
design@catdd.com.au
www.catalystdesignanddrafting.com.au
Building Services Provider Licence Nos
619068752 & CC6621

Client:
STEPHEN & MICHELLE RYAN
Project:
PROPOSED OUTBUILDING
1 GORDON STREET,
RICHMOND, TAS, 7025

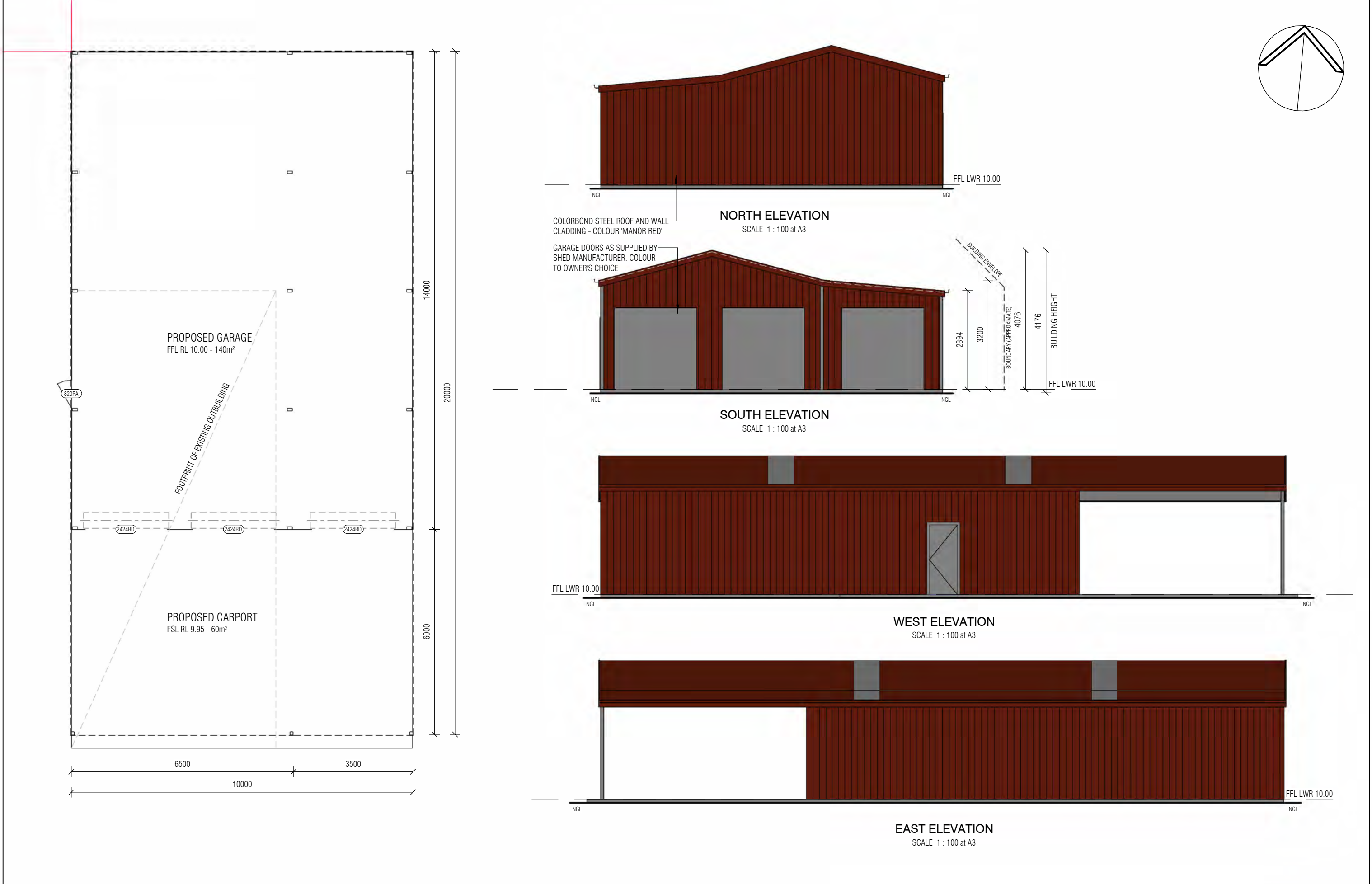
Scale: 1 : 200 at A3
Drawn: PB
Checked: -



DIMENSIONS IN MILLIMETRES UNLESS OTHERWISE NOTED.
DO NOT SCALE DRAWINGS. USE ONLY WRITTEN DIMENSIONS.
1:200 0 2 4 6 8 10m

SITE PLAN

Project No:
22-024
Drawing No:
A01



DATE 09/11/2022	REVISION/ISSUE CLIENT REVIEW B	DRAWING LIST SITE PLAN OUTBUILDING PLAN, ELEVATIONS	22-024 A01 22-024 A02	 CATALYST BUILDING DESIGN · DRAFTING · GUIDANCE · ADVICE	Catalyst Design & Drafting Pty Ltd ABN 98 546 582 336 PO Box 2030 Howrah TAS 7018 0410 606 900 design@catdd.com.au www.catalystdesignanddrafting.com.au Building Services Provider Licence Nos 619068752 & CC6621	Client: STEPHEN & MICHELLE RYAN Project: PROPOSED OUTBUILDING 1 GORDON STREET, RICHMOND, TAS, 7025	Scale: 1 : 100 at A3 Drawn: PB Checked: -	DIMENSIONS IN MILLIMETRES UNLESS OTHERWISE NOTED. DO NOT SCALE DRAWINGS. USE ONLY WRITTEN DIMENSIONS. 1:100 0 1 2 3 4 5m	Project No: 22-024 Drawing No: A02
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Submission to Planning Authority Notice

Council Planning Permit No.	PDPLANPMTD-2022/028588	Council notice date	28/06/2022
TasWater details			
TasWater Reference No.	TWDA 2022/01006-CCC	Date of response	5/07/2022
TasWater Contact	Rachael Towns	Phone No.	0436 615 228
Response issued to			
Council name	CLARENCE CITY COUNCIL		
Contact details	cityplanning@ccc.tas.gov.au		
Development details			
Address	1 GORDON ST, RICHMOND	Property ID (PID)	2846376
Description of development	Outbuilding		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Catalyst Building Design	22-024 Dwg A01	Dev App	10/06/2022
Conditions			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p>56W CONSENT</p> <ol style="list-style-type: none"> Prior to the issue of the Certificate for Certifiable Work (Building) and/or (Plumbing) by TasWater the applicant or landowner as the case may be must make application to TasWater pursuant to section 56W of the Water and Sewerage Industry Act 2008 for its consent in respect of that part of the development which is built within a TasWater easement or over or within two metres of TasWater infrastructure. <p>DEVELOPMENT ASSESSMENT FEES</p> <ol style="list-style-type: none"> The applicant or landowner as the case may be, must pay a development assessment fee of \$226.71 to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date paid to TasWater. <p style="padding-left: 40px;">The payment is required within 30 days of the issue of an invoice by TasWater.</p>			
Advice			
<p>General</p> <p>For information on TasWater development standards, please visit https://www.taswater.com.au/building-and-development/technical-standards</p> <p>For application forms please visit https://www.taswater.com.au/building-and-development/development-application-form</p> <p>Service Locations</p> <p>Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.</p> <p>(a) A permit is required to work within TasWater's easements or in the vicinity of its infrastructure.</p>			

Further information can be obtained from TasWater

- (b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit www.taswater.com.au/Development/Service-location for a list of companies
- (c) TasWater will locate residential water stop taps free of charge
- (d) Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.

56W Consent

The plans submitted with the application for the Certificate for Certifiable Work (Building) and/or (Plumbing) will need to show footings of proposed buildings located over or within 2.0m from TasWater pipes and will need to be designed by a suitably qualified person to adequately protect the integrity of TasWater's infrastructure, and to TasWater's satisfaction, be in accordance with AS3500 Part 2.2 Section 3.8 to ensure that no loads are transferred to TasWater's pipes. These plans will need to also include a cross sectional view through the footings which clearly shows;

- (a) Existing pipe depth and proposed finished surface levels over the pipe;
- (b) The line of influence from the base of the footing must pass below the invert of the pipe and be clear of the pipe trench and;
- (c) A note on the plan indicating how the pipe location and depth were ascertained.
- (d) The location of the property service connection and sewer inspection opening (IO).

Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

TasWater Contact Details

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

ATTACHMENT 4



Photo 1 – Site of proposed outbuilding viewed from Gordon Street, looking north



Photo 2 – Site viewed from Percy Street, looking southeast



Photo 3 – Site viewed from intersection of Gordon and Percy Streets, looking northeast

8. REPORTS OF OFFICERS

8.1 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil Items.

8.2 ASSET MANAGEMENT

Nil Items.

8.3 FINANCIAL MANAGEMENT

Nil Items.

8.4 GOVERNANCE**8.4.1 CHAMBROAD REQUEST FOR BUY-BACK EXTENSION OF TIME****EXECUTIVE SUMMARY****PURPOSE**

To consider a request from Chambroad Overseas Investment Australia Pty Ltd (“Chambroad”), dated 5 January 2023, to extend the Sale and Development Agreement buy-back option timeframe in order to allow Chambroad further time to undertake community consultation in relation to its modified development proposal for the Kangaroo Bay Wharf site.

RELATION TO EXISTING POLICY/PLANS

The Clarence City Council’s Strategic Plan 2021 – 2031 and Kangaroo Bay Urban Design Strategy and Concept Plan are relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Significant stakeholder and community consultation was undertaken on the Kangaroo Bay Urban Design Strategy and Concept Plan in 2008, as well as during the Expression of Interest process in 2015.

No community consultation has occurred in relation to the modified development proposal provided by Chambroad to council and considered at council’s 19 December 2022 meeting.

FINANCIAL IMPLICATIONS

There may be financial implications relating to legal costs, depending on council’s decision on this matter. If at any time the buy-back option is exercised by council the pre-agreed buyback amount is \$2.44m, plus GST, stamp duty and associated costs. If the project proceeds in accordance with the SDA, council is obligated to undertake or contribute to public access and amenity works of at least \$1.6m.

RECOMMENDATION

That Council:

- A. Notes the request from Chambroad Overseas Investment Australia Pty Ltd (“Chambroad”), dated 5 January 2023, seeking an extension of time to the Sale and Development Agreement (“SDA”) buy-back option so that Chambroad can undertake further community consultation on its modified development proposal.

- B. Refuses the request for an extension of time dated 5 January 2023 and requests that Chambroad present its initial consultation findings and refinements to its Concept Design as originally proposed no later than 6 March 2023, after which time council may consider whether an extension for further consultation has merit.
- C. Authorise the Chief Executive Officer to facilitate an invite to participants in the recent City Heart Project consultation process to participate in the Kangaroo Bay Hotel consultation process proposed by Chambroad.

ASSOCIATED REPORT

1. BACKGROUND

1.1. The relevant history to the Kangaroo Bay Wharf site has been the subject of several council decisions. It is not necessary to again repeat the history of the site or the council decisions here.

1.2. At its meeting of 19 December 2022, council resolved:

“That Council:

- A. *Notes the terms of the ‘Standstill Agreement’ negotiated between Council and Chambroad Overseas Investment Australia Pty Ltd (Chambroad), dated 14 October 2022, requiring Council to advise Chambroad on or before 5.00pm, 21 December 2022:*
 - i. *If Council does not accept the Modified Development proposal; and*
 - ii. *Whether or not Council consents to Chambroad’s request for a further extension of time to satisfy clause 6.3 of the current Sale and Development Agreement (SDA).*
- B. *Does not consent to Chambroad’s request for a further extension of time to satisfy clause 6.3 of the SDA (as made by a letter, and supporting letter, dated 27 September 2022) and subsequently deferred in accordance with the Standstill Agreement, to achieve substantial commencement of the project under the current SDA, for the reasons set out in this report (specifically at paragraphs 2.12 to 2.16 of the Associated Report) and summarised below:*
 - i. *that the SDA ‘substantial commencement’ requirement relates to a physical start of works and does not require consideration of contractual or other matters related to the project;*

- ii. *that Chambroad has not provided any reasons sufficient to justify why it has not substantially commenced the development by starting the physical works referred to in clause 6.3 of the SDA or why that failure is not within the reasonable control of Chambroad; and*
 - iii. *that, to the extent if any that Chambroad securing an education provider is relevant, while Chambroad has made significant attempts to secure an education provider to support the project, by its own admission that now appears unlikely to occur in the short to mid-term due to substantial changes to the education market post-pandemic. A further extension of time for substantial commencement, no matter how long, is unlikely to result in Chambroad securing an education provider in the short to medium term.*
- C. *Does not accept the Modified Development proposal provided by Chambroad (Attachment 3), on the basis that:*
 - i. *there has been inadequate time to properly consider the Modified Development proposal and insufficient detail as a consequence of time constraints;*
 - ii. *there has been no public consultation on the Modified Development proposal undertaken by Chambroad and therefore no opportunity for Chambroad to consider that feedback and refine its design before seeking the agreement of Council; and*
 - iii. *As of 14 December 2022, Chambroad communicated that they would not include concept designs in the information pack to be released with this agenda item and sought for the draft Development Agreement, which was negotiated under the 'Standstill Agreement', to remain confidential at this stage. Both these circumstances were contrary to clearly stated requirements put forward by council officers at the commencement of this process."*

2. REPORT IN DETAIL

- 2.1.** The SDA provides council with the right to buy-back the land that comprises the Wharf site in the event that Chambroad does not achieve substantial commencement of the development by a specified date. Substantial commencement is defined under the SDA as *"the physical start of works to construct footings, foundations and other ground level and below ground infrastructure relating to the buildings approved by the Permit"*.

- 2.2.** The date for substantial commencement has been varied several times, with the current operative date being 13 October 2022.
- 2.3.** Chambroad has not achieved substantial commencement of the development and council has not consented to a further extension of time for substantial commencement to occur. Under the current terms of the SDA, council now has until 12 April 2023 to exercise the option to buy back the land.
- 2.4.** Following council's decision of 19 December 2022 and in particular reference to Chambroad not having undertaken any public consultation on the modified development proposal to date, Chambroad has proposed a consultation program and liaised with council officers in this regard. Council officers noted that given the current buy back date under the SDA is 12 April 2023, the following dates are critical:
- Council would be required to make a decision on the buy-back option, at the latest, at its meeting of Monday 20 March 2023.
 - This in turn would require Chambroad to provide council with a revised modified development proposal by no later than 6 March 2023.
 - The revised proposal, along with consultation feedback would need to be presented to council at a workshop on 13 March 2023, being the last workshop opportunity ahead of the council meeting on 20 March.
- 2.5.** Chambroad wrote to council by letter dated 5 January 2023 (Attachment 1) and requested that the parties agree to the buy-back date under the SDA being extended from 12 April 2023 by either one month (to 12 May 2023) or two months (to 12 June 2023) to allow Chambroad further time to undertake community consultation. The letter also attached a proposed Community Engagement/Consultation Process document (Attachment 2) which sets out its proposed consultation methodology and timeframes.

- 2.6.** In the absence of an extension of the buy-back timeframe, Chambroad has proposed to undertake community consultation on the modified development in accordance with the following timeframes:

Action	Responsible Party	Timeframe
Council to receive the Community Consultation Report for circulation to Councillors	Chambroad Australia	6 March 2023, by 9.00am
Development Agreement to be finalised (inclusive of community feedback)	Council and Chambroad Australia	10 March 2023
Council to consider the report at its workshop	Council	13 March 2023
Council to vote on the Development Agreement	Council	20 March 2023

- 2.7.** It is Chambroad's position that the proposed timeframes above do not provide it with sufficient time to broadly consult with the community on the modified development proposal. In particular, Chambroad has noted that the proposed timeframes only provide seven weeks for consultation before the Community Consultation Report is due to be circulated to council.
- 2.8.** Chambroad has requested that council support a revised consultation timeframe to allow Chambroad to undertake further community consultation with its final report to be provided by 6 April 2023. In association with this request, Chambroad has proposed extending the timeframe for council to exercise the buy-back option under the SDA by 2 months i.e., 12 June 2023. This is said to allow council further time to consider the final consultation report and refinements to the concept design.
- 2.9.** To effect the request for further time, Chambroad has provided council with a draft Deed of Variation. The draft Deed of Variation (Attachment 3) provides that the date by which council may exercise the option to buy back the land is extended by two months which would extend the date to 12 June 2023.

2.10. Chambroad's request to council is set out in their letter as follows:

"Having regard to the above matters, we attach our revised Community Engagement Process document and respectfully request that (at its meeting on 16 January 2023) Council:

- 1. provides any further comments on the actions or timelines specified in the Community Engagement Process document by 18 January 2023; and*
- 2. authorises you, in your capacity as Chief Executive Officer, to:*
 - (a) propose and agree upon a revised timeline to allow sufficient and reasonable time for the parties to undertake and consider the results of the community consultation process; and*
 - (b) invite participants in the recent City Heart Project consultation process to participate in the Kangaroo Bay Hotel consultation process."*

2.11. Chambroad's proposed Community Engagement process sets out its consultation plan in eight stages. Notably, Stages one to six are scheduled to be completed by 6 March with the final two stages (Community report back forums and Final design concepts) to be completed before 6 April.

2.12. Within the context of any decision regarding council's exercise of the buy-back option (required by 20 March 2023 council meeting, at the latest), Stages one to six should provide council with a sufficient basis upon which to decide whether to exercise the buy-back option, and whether an extension to the buy-back period to complete consultation is warranted as a first step in that process.

2.13. In the circumstance set out above, it is recommended that council refuses the request for an extension of time dated 5 January 2023 and requests that Chambroad present its initial consultation findings and refinements to its Concept Design as originally proposed, no later than 6 March 2023, after which time council may consider whether it agrees to the extension of the buy-back period as requested.

- 2.14.** In respect to part 2(b) of the Chambroad request, council officers are able to facilitate an invitation to participants in the recent City Heart Project consultation process to participate in the Kangaroo Bay Hotel consultation process proposed by Chambroad. Ultimately, participation in that process will be a matter for each participant. Council officers will ensure that participant details are not disclosed to Chambroad, for privacy reasons.

3. CONSULTATION

3.1. Community Consultation Undertaken

No community consultation has been undertaken in relation to Chambroad's request for further time to undertake community consultation. It is noted that Chambroad are proposing to undertake broad community consultation in accordance with its Community Engagement/Consultation Process document.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

Not applicable.

3.4. Further Community Consultation

Further community consultation by council is not required at this time. Chambroad has indicated that it will undertake consultation on its proposed modified development.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The Clarence City Council Strategic Plan 2021 - 2031 includes the following goals:

“A well planned liveable city – Clarence will be a well-planned liveable city with services and infrastructure to meet current and future needs of our growing and vibrant community.”

“A prosperous and creative city – Clarence encourages creativity, innovation and enterprise and will develop the local economy by enabling opportunities for all people.”

Each goal is supported by objectives. The following three objectives are relevant:

“2.10: *Ensuring quality civic architecture which is responsive to place and adaptable for the needs of the community.*”

“2.13: *Enhancing natural and built amenities to create vibrant, accessible activity centres and community hubs through quality urban design.*”

“3.6: *Facilitating and/or directly investing in foundation projects and infrastructure aimed at driving further investment and growth.*”

Within the context of the Strategic Plan 2021 – 2031, major projects and initiatives are identified. Relevantly, the strategic plan contains the following:

“Kangaroo Bay Development Precinct

Kangaroo Bay is a significant location within the City of Clarence, and we seek to activate the potential of this precinct to be a world class waterfront destination and inclusive place for both residents and visitors that provides economic, social and community benefits.

The precinct has two key development sites, the wharf and boulevard sites.

The wharf site has been approved for the development of a hotel and hospitality training school, while a mixed use of residential and commercial is proposed for the boulevard site.”

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

The SDA has a buy-back deadline of 12 April 2023. Council must determine whether to exercise the buy-back before this date otherwise the option expires.

7. FINANCIAL IMPLICATIONS

The SDA provides that the buy-back of the land is set at \$2.44m (the original sale price to Chambroad), plus GST, stamp duty and associated costs.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

- 9.1.** Considering the timeframes involved in the consultation and buy-back processes, it is clear that time is of the essence. As discussed within the report, Chambroad is able to complete the first six stages of its eight-stage consultation process by 6 March 2023.

Providing consultation feedback to council by 6 March 2023 will provide a short timeframe for council to review the consultation feedback and any proposed concept design changes and then determine whether it supports the modified development. In that context it is recommended that the extension of time request be refused.

- 9.2.** It is recommended that part 2(b) of the request be supported. There is benefit in engaging with those community members that participated in the City Heart future forum, as set out in the report.

Attachments: 1. Letter from Chambroad to Council dated 5 January 2023 (5)
2. Community Engagement/Consultation Process Document (6)
3. Draft Deed of Variation (8)

Ian Nelson
CHIEF EXECUTIVE OFFICER



5 January 2023

Without prejudice

Chief Executive Officer
Clarence City Council
Council Offices
38 Bligh Street
ROSNY PARK TAS 7018

By email inelson@ccc.tas.gov.au

Dear Ian,

Kangaroo Bay Development

The purpose of this letter is to reply to your letter dated 20 December 2022 and our subsequent meeting of 21 December 2022.

From the outset, we restate our strong commitment to work with Council and the Clarence community by implementing a broad community engagement process to:

1. inform the finalisation of the Concept Designs for the Modified Development, and enable them to be refined through community inputs; and
2. demonstrate community support for the new Concept Designs and the Modified Development,

prior to resubmitting the Modified Development proposal to Council for further consideration.

Chambroad Australia's response – extension of time under clause 6.3 of the SDA

For completeness, we formally record that Chambroad Australia does not agree with the reasons provided by Council as the basis for its decision not to consent to our request for an extension of time to satisfy clause 6.3 of the SDA. Our rights are reserved in this regard and the balance of this letter is without prejudice to those rights.

Modified Development Proposal

We do not wish to debate the reasons given for the motions passed by Council at its meeting on 19 December 2022.

However, we must note that:

1. after entering the Standstill Deed in October 2022, we worked extensively and collaboratively with Council officers and Councillors to ensure that the proposal for the Modified Development was presented and submitted in accordance with Council's requirements and timeframes.



We did not receive any indication throughout that process that Council may not support (and reject) the proposal due to a lack of community consultation and insufficient time to consider the proposal, noting that (amongst other things):

- (a) our presentation pack (and presentation to Council) specifically committed us to undertaking community consultation on the Concept Designs (in parallel with the further design work) prior to lodgement of the Development Application; and
 - (b) it would have been inappropriate for us to undertake community consultation whilst having commercial in confidence negotiations with Council, and without any indication from Council as to whether or not it was supportive of the proposal; and
2. we have at all times been genuine, honest and transparent with Council. Our rationale for not publicly releasing the Concept Designs and Development Agreement by 14 December 2022 remains that:
- (a) consistent with our prior discussions (and agreement) with Council officers, we could not publicly release the new Concept Designs until 19 December 2022 (5 days later and prior to Council's meeting) because we had not then fully resolved our contractual obligations with the former Architects; and
 - (b) the draft Development Agreement was still being finalised and our preference was for it not to be publicly released (in full) until the negotiations were finalised.

In the interests of transparency, we indicated that we would be agreeable to a release of the Development Agreement once the parties had agreed to the final version. We continue to support the release of the Agreement upon acceptance by Council.

Community Consultation

We accept that a credible community engagement process is important to Council, Councillors, Chambroad Australia and the ratepayers of Clarence.

So as to address Council's reason for not accepting the Modified Development proposal, we will engage in a broad community consultation process and provide updated Architectural Concept Designs and the final version of the Development Agreement to Council, inclusive of the community feedback received.

We note however that Council has proposed the following timelines within which to undertake and consider the results of the community consultation process:

Action	Responsible Party	Timeframe
Council to receive the Community Consultation Report for circulation to Councillors	Chambroad Australia	6 March 2023, by 9.00 am
Development Agreement to be finalised (inclusive of community feedback)	Council and Chambroad Australia	10 March 2023
Council to consider the report at its workshop	Council	13 March 2023
Council to vote on the Development Agreement	Council	20 March 2023

We respectfully submit that these timelines do not provide sufficient time to enable a broad and credible community engagement process to explore the acceptability of the new Concept Designs. Amongst other things, they do not allow enough time to sensibly engage with local residents, businesses and stakeholders, community groups and ratepayers, obtain their feedback, make architectural refinements to the Concept Designs, and re-engage with the refined Concept Designs.

We strongly believe that a truncated process will be open to criticism that the refined Concept Designs incorporating feedback from the community consultations were not subject to a sufficient review by the broad communities within the Clarence municipality.

To this end, we are working with an experienced Community Engagement specialist to conduct the consultation process. We are advised that the timelines presently being proposed by Council will undermine the legitimacy that the process requires to be considered acceptable to the Clarence community. Specifically, that:

1. an engagement process commencing on 16 January 2023 will be limited to 7 weeks before the report must be submitted. This period includes the summer holidays and school holidays when many people are away. The community will not be focused on engaging around the proposed hotel development;
2. if the date that schools reopen is considered as when the community is 'back to normal' (being 8 February 2023), the main engagement process of face to face working together activities, according to the timelines, must take place within a 7 day window (8 February to 15 February 2023);

3. this extremely tight timeframe will not help build credibility and trust in the engagement process as a genuine attempt to understand the thoughts and feelings of the communities of interest. In fact, it has the very real potential to achieve the opposite. This risk, which should not be understated, is a concern to not just Chambroad Australia but also likely to the Clarence City Council; and
4. in their experience, this consultation will only prove successful if a credible and genuine process is delivered to the community (which requires additional time).

Community Consultation Process

Having regard to the above matters, we **attach** our revised Community Engagement Process document and respectfully request that (at its meeting on 16 January 2023) Council:

1. provides any further comments on the actions or timelines specified in the Community Engagement Process document by 18 January 2023; and
2. authorises you, in your capacity as Chief Executive Officer, to:
 - (a) propose and agree upon a revised timeline to allow sufficient and reasonable time for the parties to undertake and consider the results of the community consultation process; and
 - (b) invite participants in the recent City Heart Project consultation process to participate in the Kangaroo Bay Hotel consultation process.

So as to give Chambroad Australia the opportunity to properly conduct the community consultation process, and to give Council sufficient time to consider the proposal for the Modified Development (together with, and inclusive of community consultation feedback) we are agreeable to extend the timeframe for Council to exercise the Buy-Back Option under the SDA by a further one or preferably a two month period to either the 12th May 2023 or 12th June 2023 (respectively).

The longer period would not extend the timeframe for us to submit our final community engagement report on 6th April 2023, or defer Council's ability to exercise the Option, but would allow more time for Councillors to fully consider the final report and the refinements to the Concept Designs on behalf of the Clarence community before making a decision on the Modified Development.

A draft Deed is **attached** in this regard for your consideration and approval.

**Next steps**

We look forward to hearing from you in relation to the above to ensure an inclusive community consultation process.

Please contact me should you have any questions.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Finely Zhang", is written over a horizontal line.

Finely Zhang

Director & General Manager

Owner Representative

CHAMBROAD OVERSEAS INVESTMENT AUSTRALIA PTY. LTD.

ACN: 612 801 895

20 York Street, Bellerive, Tasmania 7018

Kangaroo Bay - Community Engagement / Consultation Process

Background

In our Presentation Pack we committed to:

"The Concept Design will involve community engagement.

Chambroad will engage in an expanded two-step process in parallel with Council's pre-lodgement period that is beyond its statutory obligations (March/April 2023):

March 2023, first round briefing of commercial operators in Bellerive Village and Kangaroo Bay. Public forum to provide walk in opportunities and a number of group sessions.

April 2023, second round information session in proposed changes and enhancements."

Purpose

The purpose of this document is to outline the proposed steps to implement a broad and credible community engagement process (beyond the statutory requirements).

This paper outlines the proposed Community Engagement process to be conducted in the New Year following inputs by Council Officers.

Council Required Deadlines

*"The latest council is able to consider a revised modified development is at its **20 March 2023 meeting**.*

Working back from this would see us:

- **workshop on the 13th March 2023** (which would mean we need)
- **final pack by COB, 6th March 2023** at the latest.

This compresses your time outlined in the draft document but is the timeline you will need to work to."

Community Engagement Consultant

Chambroad is working with an experienced Community Engagement specialist who will act as the Lead Consultant to:

- Develop and implement the Kangaroo Bay Hotel Development Community Engagement Plan within the prescribed timeframes
- Co-ordinate the architect, planner and communications (social media and public relations) specialists.

The Approach to be adopted by the specialist consultant must:

- Build rapport, trust in order to establish credibility
- Maintain an 'arms length' independence
- Ensure timely reporting and outcomes as per the agreed schedule to meet Council delivery dates ('time is of the essence').

Indicative Timings

Timing (as advised by Council) to achieve the engagement objective is very tight and restricted.

To meet the Council's requirement to bring the engagement response to their 13 March 2023 workshop, the engagement report and modified concept plans need to be finalised and delivered to Council for circulation by no later than 6 March 2023.

Note: A request to extend the consultation period beyond 6 March 2023 has been submitted to Council.

There are eight stages of work (subject to finalisation by the Community Engagement Consultant) as follows:

Stage 1: Preparation & Planning

Timing	Activities
W/C Monday 16 th January 2023	<ul style="list-style-type: none"> • Appointment of Lead Community Engagement Consultant <ul style="list-style-type: none"> ○ Appointment of communications / media advisor (on-line, social and traditional) to develop campaign • Public information on the Design Concepts forward to interested parties - including website details • Public information about the dates and venues made available on the Council and Chambroad Australia websites • Establish a community feedback online platform
W/C Monday 23 rd January 2023	<ul style="list-style-type: none"> • Map: local residents, businesses and stakeholders, community groups and ratepayer's groups, influencers <ul style="list-style-type: none"> ○ Database development • Engagement schedule & logistics arrangements <ul style="list-style-type: none"> ○ Venue(s), catering, dates & times ○ Produce support materials ○ Recording of each session ○ Number of sessions and walk-in arrangements • Confirm attendance by architect, planner and other specialists (media, etc.) • Communications (being delivered by specialist company) <ul style="list-style-type: none"> ○ Campaign and project kit + SAVE THE DATE (to be sent as soon as possible) ○ Production of on-line and social media (with feedback mechanism) for release in the last week of January ○ Prepare and distribute 'local' kits to target groups – business and residents

Stage 2: One-on-One Engagement of Locals

Timing	Activities
W/C Monday 30 th January 2023	<ul style="list-style-type: none"> • Local one-on-one engagement • Schedule of briefing for target groups and one-on-ones to be confirmed eg <ul style="list-style-type: none"> ○ Businesses in Bellerive Village and Kangaroo Bay invited to a “business only” session to outline the development and commercial implications ○ Residents along Cambridge Road adjacent to the development invited to a “residents only” session to provide sight-lines and other potential impacts • Commence media campaign and distribution of information kits to target groups

Stage 3: “Open Forum” Sessions

Timing	Activities
W/C Monday 6 th February 2023	<ul style="list-style-type: none"> • Community “<u>open forum</u>” sessions commence <ul style="list-style-type: none"> ○ Possibly a morning, afternoon and early evening on a Sunday (5th) afternoon and extending to Monday (6th) to enable people with time-based commitments to attend ○ An external moderator would present the Design Concepts and related materials to gain structured feedback (possibly in groups of topics / themes similar to the City Heart process) ○ The architect and representatives of Chambroad (and Council?) would be in attendance ○ A Public Notice would be published with details of the each of the events ○ Note: Attendees must register – they must be residents of Clarence with photo ID to support their resident status. Each session would be limited to 30 adults over 18 years ○ All attendees could register their contact details so that the Consultant Engagement Report could be provided to them • Community “<u>walk in</u>” sessions <ul style="list-style-type: none"> ○ In between the Open Forum sessions, the venue would be open to ‘walk-ins’ to discuss any Concept Design issues with the moderator, the architect, or Chambroad representatives ○ Councillors, Council officers and accredited media would be invited to attend any or all sessions ○ Note: The number of attendees at any session would be limited to less than 30 persons at any one time so as to provide each attendee an opportunity to speak the

	representatives (and address any COVID requirements re social distancing)
	<ul style="list-style-type: none"> • Session outputs – group session with architect, etc. <ul style="list-style-type: none"> ○ Development of Unedited Outputs from all Sessions ○ Development of “Themes” – based on interpretation of outputs ○ Development of Interim Engagement Report (for sign off) ○ Presentation to relevant project/design team specialists

Stage 4: Reporting (outputs)

Timing	Activities
W/C Monday 13 th February 2023	<ul style="list-style-type: none"> • Consultants’ Report provided to Chambroad and Council to discuss implications <ul style="list-style-type: none"> ○ Report Key Findings and Insights (by theme) circulated to attendees and media later in the week ○ Note: Tentative “themes” would be provided to start discussions, but would be open to feedback provided. Themes may include: concept design aesthetics and merit, access, services & amenities, spaces, activation, etc. ○ A summary of the key inputs from the Community Engagement process would be made available to Council to be released on the Council and Chambroad’s websites • The Key Findings and Insights and full Report would be provided to the Architects to determine <ul style="list-style-type: none"> ○ Design implications, cost variations, operational implications and feasibility ○ 5 days to agree ‘most likely’ and ‘least likely’ changes to be adopted based on the Chambroad Design Criteria previously published

Stage 5: Design Response

Timing	Activities
W/C Monday 23rd February 2023	<ul style="list-style-type: none"> 12 days to revise Concepts Designs <ul style="list-style-type: none"> Delivery of revised Design Concepts is Friday 3rd March Design response - responsibility of design team Development of Engagement Presentation for 13 March workshop

W/C Monday 6th March 2023 - Council 'Drop- Dead' Dates

- Final pack by 9.00 am on Monday 6th March 2023**
- Workshop on the Monday 13th March 2023**

Stage 6: Council workshop

Timing	Activities
W/C Monday 6 th March	<ul style="list-style-type: none"> Council to circulate all materials on Monday 6th March Council workshop on Monday 13th March <ul style="list-style-type: none"> Feedback from Councillors

Stage 7: Community Report Back Forums

Timing	Activities
W/C Tuesday 14 th March	<ul style="list-style-type: none"> There would be a similar "Open Forum" sessions (as per Stage 3) Final Consultants report prepared and circulated <ul style="list-style-type: none"> A summary of the key take-outs from the second Open Forum process would be made available to Council and be released on the Council and Chambroad's websites All previous attendees would be invited to attend - and those who do not attend would be sent the revised Design Concepts

Stage 8: Final Design Concepts

Timing	Activities
W/C Monday 27 th March	<ul style="list-style-type: none"> • Final brief to Design Team • Final revised Design Concepts would be presented in response to the “summary of key inputs” to Council • Final presentation to Council Officers on engagement outcomes <ul style="list-style-type: none"> ○ Briefing to be presented to Council officers to commence the pre-assessment process • Final Design Concepts lodged as part of the ‘final’ Development Agreement for Council’s consideration and approval by Thursday 6th April

In / Out of Scope

Within Scope

- Residential and commercial individuals, groups and associations living or operating activities within the City of Clarence (excludes non-residents)
- Council Officers and registered members of the media
- Chambroad (5) Design Criteria as previously released
- All attendees must behave RESPECTFULLY to all other persons that attend the Open Forums or Walk-in sessions.

Outside Scope

- Kangaroo Bay Urban Design Strategy & Concept Plan, 2008 – and the requirement for a hotel on the site
- Preceding designs and valid Development Approval for an integrated hotel and educational facility
- Registered political groups and parties
- Must conform with the Kangaroo Bay Precinct Planning Scheme – and all related Council and statutory regulatory matters.

Updates

The Community Engagement process as outlined may be refined based on the feedback from stakeholders from time-to-time.

Issued: 5th January 2023

Status: Final draft for CCC

Clarence City Council (ABN 35 264 254 198)

and

**Chambroad Overseas Investment Australia Pty Ltd
(ABN 54 612 801 895)**

**Deed of Variation
Sale and Development Agreement
-
Extension of Option Period**

Date	The	day of	2023
Parties	Council and COIA		

Council	
Name	Clarence City Council
ABN	35 264 254 198
Address	38 Bligh Street, Rosny Park, Tasmania 7018
Representative	Ian Nelson
Email	inelson@ccc.tas.gov.au

COIA	
Name	Chambroad Overseas Investment Australia Pty Ltd
ABN	54 612 801 895
Address	20 York Street, Bellerive, Tasmania, 7018
Representative	Finely Zhang
Email	finely.zhang@hotmail.com

A Council and COIA entered into the Sale and Development Agreement on 25 May 2017, varied by a letter dated 9 November 2017 (**SDA**).

B Council extended the time limit for COIA to achieve substantial commencement under clause 6.3 of the SDA until 12 October 2022 and the parties agreed to a further extension of time for COIA to achieve substantial commencement under clause 6.3 of the SDA until 5.00pm on 14 October 2022.

C Following COIA's request by letter dated 27 September 2022 for a further extension of time to satisfy clause 6.3 of the SDA, the parties entered into a Deed of Variation Sale and Development Agreement dated 14 October 2022 to defer consideration of the request for the extension and to consider a Modified Development proposal to on or before 5pm, 21 December 2022.

D On 19 December 2022, Council resolved that it does not consent to COIA's request for a further extension of time to satisfy clause 6.3 of the SDA. It also resolved on 19 December 2022 that it did not accept the modified development proposal for reasons including that Council had not had sufficient time to consider the modified development proposal and that as there had been no public consultation on the modified design proposal, COIA had not had an opportunity to consider public feedback and refine its design.

E COIA asserts that it was entitled to an extension of time to satisfy clause 6.3 of the SDA and that Council should have granted that requested extension. Rather than progress this asserted entitlement at this time, COIA wishes, and prefers to, reach an amicable solution about a modified design proposal with Council.

F So that COIA may address Council's concerns as outlined by it at the time of its resolution to not accept the modified design proposal, COIA will undertake public consultation in relation to the modified design proposal and in doing so allow Council further time to consider its modified design proposal.

G The parties have agreed for the expiry date of the Option (as defined in the SDA) to be extended by 2 months.

Agreed terms

1 Definitions and interpretation

1.1 Definitions

In this deed unless the contrary intention appears:

Business Day means any week day on which banks are generally open for business in Hobart, Tasmania.

Details mean the section of this deed headed 'Details'.

Effective Date means the date on which this deed is executed.

1.2 Interpretation

- (a) A reference to:
 - (i) one gender includes every other gender;
 - (ii) the singular includes the plural and the plural includes the singular;
 - (iii) a person includes a body corporate or unincorporate;
 - (iv) a party includes the party's executors, administrators, successors and permitted assigns;
 - (v) a statute, regulation or provision of a statute or regulation includes:
 - (A) that Statutory Provision as amended or re-enacted from time to time;
 - (B) a statute, regulation or provision enacted in replacement of that Statutory Provision; and
 - (C) another regulation or other statutory instrument made or issued under that Statutory Provision; and
 - (vi) money is to Australian dollars, unless otherwise stated.
- (b) The expression "this document" or "this deed" includes the deed, covenants, agreement, arrangement, understanding or transaction recorded in this document.
- (c) "Including" and similar expressions are not words of limitation.
- (d) A reference to a clause or schedule is a reference to a clause of or a schedule to this document.
- (e) A reference to a document (including, without limitation, a reference to this document) is to that document as amended, novated or replaced.
- (f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.
- (g) Headings and any table of contents or index are for convenience only and do not form part of this document or affect its interpretation.
- (h) A provision of this deed must not be construed to the disadvantage of a party merely because that party was responsible for the preparation of this document or the inclusion of the provision in this document.
- (i) If an act must be done on a specified day which is not a Business Day, it must be done instead on the next Business Day.
- (j) All references to time are to Australian Eastern Standard time.

2 Variation of the SDA

2.1 Variation

As and from the Effective Date:

- (a) the parties acknowledge and agree that the SDA is varied as set out in clause 1 of Schedule 1; and
- (b) each party ratifies and agrees to be bound by this deed.

2.2 Reservation of rights

COIA's agreement to extend the expiry date of the Option (as defined in the SDA) as detailed in Schedule 1 (and made effective by clause 2.1 of this deed) is without prejudice to COIA's asserted entitlement that Council should have, and was required to, extend the of time to satisfy clause 6.3 of the SDA and COIA expressly reserves its rights in relation to that.

3 Warranties and representations

Each party represents and warrants that:

- (a) it has full legal capacity and power to:
 - (i) own its property and to carry on its business; and
 - (ii) enter into this deed and to carry out the transactions that it contemplates;
- (b) it has taken all action that is necessary or desirable to authorise its entry into this deed and to carry out the transactions contemplated;
- (c) it holds each authorisation that is necessary or desirable to:
 - (i) enable it to properly execute this deed and to carry out the transactions that it contemplates;
 - (ii) ensure that this deed is legal, valid, binding and admissible in evidence; or
 - (iii) enable it to properly carry on its business as it is now being conducted,and it is complying with any conditions to which any of these authorisations is subject;
- (d) this deed constitutes its legal, valid and binding obligations, enforceable against it in accordance with its terms (except to the extent limited by equitable principles and laws affecting creditors' rights generally), subject to any necessary stamping or registration;
- (e) neither its execution of this deed, nor the carrying out by it of the transactions that this deed contemplates, does or will:
 - (i) contravene any law to which it or any of its property is subject or any order of any government agency that is binding on it or any of its property;
 - (ii) contravene any authorisation;
 - (iii) contravene any agreement binding on it or any of its property; or
 - (iv) contravene its constitution or the powers or duties of its directors;
- (f) the execution by it of this deed, and the carrying out by it of the transactions that this deed contemplates, is for its corporate benefit and in its commercial interests.

4 Entire agreement

This deed and the SDA (as amended by the variations) constitute the entire agreement between the parties in relation to their subject matter and supersede all previous agreements, negotiations and understandings between the parties in relation to its subject matter.

5 Notices

5.1 Form

Any notice, consent, approval, waiver and other communications to be given under or in connection with this deed must be in writing, signed by the sender and marked for the attention as set out or referred to in the Details or, if the recipient has notified otherwise, then marked for attention in the way last notified.

5.2 Delivery

They must be:

- (a) sent by email to the email address set out or referred to in the Details; or
- (b) left at the address set out or referred to in the Details; or
- (c) sent by prepaid post to the address set out or referred to in the Details.

However, if the intended recipient has notified a changed email address or changed postal address, then the communication must be to that email address or postal address.

5.3 When effective

They take effect from the time they are received unless a later time is specified in them.

5.4 Receipt – email

If sent by email, they are taken to be received at the time the email message is sent, unless:

- (a) the sender receives automated email notification that the email transmission has failed or has been delayed within 12 hours of sending the notice; or
- (b) the sender receives automated email notification to the effect that the recipient is not likely to receive the notice until a later date, which will then become the deemed date of receipt.

5.5 Receipt – postal

If sent by post, they are taken to be received 6 days after posting (or 10 days after posting if sent to or from a place outside Australia).

5.6 Receipt – general

Despite clauses 5.4 (Receipt - email) and 5.5 (Receipt - postal) and, if they are received after 5pm in the place of receipt or on a non-Business Day, they are taken to be received at 9am on the next Business Day.

6 General

6.1 Amendments

An amendment or variation to this deed is not effective unless it is in writing and signed by the parties.

6.2 Counterparts

- (a) This deed may be entered into in counterparts.
- (b) A party may execute this deed by signing any counterpart.
- (c) All counterparts, taken together, constitute one document.

6.3 Costs

Each party will bear its own costs and disbursements of or incidental to the negotiation, preparation, execution, stamping and registration of this deed, and all other matters and agreements referred to in this deed.

6.4 Further acts and documents

Each party must promptly do all further acts and execute and deliver all further documents (in a form and content reasonably satisfactory to that party) required by law or reasonably requested by another party to give effect to this deed.

6.5 Waivers

The non-exercise of, or delay in exercising, any power or right of a party does not operate as a waiver of that power or right, nor does any single exercise of a power or right preclude any other exercise of it or the exercise of any other power or right. A power or right may only be waived in writing, signed by the party to be bound by the waiver.

6.6 Electronic Signature

- (a) The parties consent to this deed being signed by or on behalf of a party by an Electronic Signature.
- (b) Where this deed is electronically signed by or on behalf of a party, the party warrants and agrees that the Electronic Signature has been used to identify the person signing and to indicate that the party intends to be bound by the Electronic Signature.
- (c) This deed may be electronically signed in any number of counterparts which together will constitute the one document.
- (d) Each party consents to the exchange of counterparts of this deed by delivery by email or such other electronic means as may be agreed in writing.

- (e) In this clause 6.6 **'Electronic Signature'** means a digital signature or a visual representation of a person's handwritten signature or mark which is placed on a physical or electronic copy of this deed by electronic or mechanical means, and "electronically signed" has a corresponding meaning.

7 Governing law and jurisdiction

7.1 Governing law

The laws of Tasmania govern this deed.

7.2 Jurisdiction

The parties submit to the non-exclusive jurisdiction of the courts of Tasmania.

Signing page

Executed as a deed

Executed for and on behalf of
CLARENCE CITY COUNCIL
by its Chief Executive Officer,
Ian Nelson

.....
Ian Nelson
Chief Executive Officer

Executed for and on behalf of **CHAMBROAD OVERSEAS)**
INVESTMENT AUSTRALIA PTY LTD (ABN 54 612 801 895) pursuant)
to section 127 of the Corporations Act 2001 by:

.....
Director

.....
Date

.....
Director/Secretary

.....
Date

Schedule 1

1. As and from the Effective Date the parties acknowledge and agree that, in accordance with clause 2.1 (Variation) of this deed, the SDA is varied as follows:
 - (a) Clause 13.3 is amended by substituting the word “six” with the word “eight” so that it now reads:

“13.3 Subject to clause 13.4, the Option will expire on the date being eight months from the time limit for achieving substantial commencement of the Development as set out in clauses 6.3 or 6.4 as appropriate or any extended time limit which the Vendor may, in writing, allow in accordance with clause 6.3”

9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION - COUNCILLOR RITCHIE
KANGAROO BAY LAND BUY-BACK – CHAMBROAD SITE**

In accordance with Notice given, Cr Ritchie intends to move the following motion:

“That Council:

- A. Authorises the Chief Executive Officer to initiate the buy-back process in accordance with the terms set out in the Sale and Development Agreement (dated 25 May 2017) (‘SDA’) between Chambroad and Council, to be given effect before 12 April 2023, subject to Recommendation B below.
- B. Provides Chambroad with the opportunity to publicly consult on its Modified Development proposal, amend that proposal should it wish to, and then resubmit the proposal to council in order to enable council to make a decision on whether or not to accept the proposal (including any contractual agreement replacing the SDA); on or before council’s 20 March 2023 meeting.
- C. Authorises the Chief Executive Officer to incorporate the Kangaroo Bay land into the City Heart project considerations, with a specific focus on possible alternative uses for the land within the broader context of the City Heart project, in order to provide council with options for development of the site should Chambroad not provide a Modified Development Proposal acceptable to council as set out at Recommendation B above, and council has bought back the land.”

EXPLANATORY NOTES

- 1. The issue of the development of land at Kangaroo Bay, and in particular the Sale and Development Agreement (“SDA”) between Chambroad and Council, has a significant history that has been detailed in previous council reports.
- 2. The motion is a natural extension of the motion passed by council’s meeting on 19 December 2022 and seeks to ensure that council staff are appropriately empowered and directed to act in respect to the terms of the SDA and preauthorising the CEO provides greater certainty of council’s position and presents everyone with the best opportunity in working up to the buy-back date of 12 April 2023.
- 3. The motion recognises council’s previous decision to provide Chambroad an opportunity to publicly consult and resubmit a Modified Development proposal within a set timeframe.

4. Acknowledging that Chambroad has requested an extension to the SDA buy-back timeframe, to facilitate a longer consultation process for its proposed Modified Development proposal, this motion does not provide any further time extensions for Chambroad on the basis that Chambroad has already had significant time to consider and consult in respect to an alternative development and is consistent with the motion passed at council's meeting of 19 December 2022 in that regard.
5. Should the buy-back take place, the motion recognises the community expectation for council to reconsult with the local community in relation to the Kangaroo Bay Urban Design Strategy and Concept Plan.

Councillor A Ritchie
DEPUTY MAYOR

CHIEF EXECUTIVE OFFICER'S COMMENTS

Chambroad has, by letter dated 5 January 2023, requested an extension of time for consultation on its modified development proposal. That request is included for decision within the governance section of this council agenda.

At its 19 December 2022 meeting, council did not accept the modified development proposal provided by Chambroad on the basis that there had been inadequate time to properly consider the proposal and insufficient detail as a consequence of time constraints.

Council officers have indicated to Chambroad that any consultation undertaken in relation to the modified development proposal must be provided to council by 6 March 2023 at the latest.

Any initial consultation feedback and/or further design refinement proposed by Chambroad must be provided to council on or before 6 March 2023. If the consultation feedback and/or further design refinement is acceptable to council, Recommendation B allows council to reconsider the buy-back issue ahead of the 12 April 2023 deadline.

Further, given Chambroad's request for additional consultation time, it may be open to negotiate a further consultation period in accordance with the proposal put forward by Chambroad by letter dated 5 January 2023 before making a final decision on whether or not to support the modified development proposal and finalise terms for a new Development Agreement.

**9.2 NOTICE OF MOTION - COUNCILLOR WARREN
KANGAROO BAY WHARF SITE CONSULTATION**

In accordance with Notice given, Cr Warren intends to move the following motion:

“That during January / February 2023, council, through its “have your say” program conducts independent consultation on questions surrounding the Kangaroo Bay Hotel Development, to provide further community insight to help inform council as it assesses the future of this important site.

The questions are:

- A. Do you support a boutique hotel development in Kangaroo Bay? (Yes / No)
 - a. Why and is there anything else you think should be considered by the developers or council for the site?
- B. Do you support a “buy-back” of the Kangaroo Bay land? (Yes / No)
 - a. Yes = what would you propose council utilises the land for?
 - b. No = why?
 - c. Do you support adding this site into the City Heart project scope?”

EXPLANATORY NOTES

1. Chambroad’s revised proposal is a fundamental shift from the original “Sale and Development Agreement”, requiring a new agreement.
2. The proposed consultation by Chambroad has no structure or independence and will not address the fundamental “buy-back” option which has been a key issue for many in our community.
3. Further independent consultation is required to determine community wishes for the development of this prime site.
4. Having failed to deliver the approved development and as council’s “preferred developer” Chambroad is encouraged to submit a revised development in line with community wishes for the site.

B Warren
COUNCILLOR

/ contd on Page 65

**NOTICE OF MOTION - COUNCILLOR WARREN
KANGAROO BAY WHARF SITE CONSULTATION /contd...**

CHIEF EXECUTIVE OFFICER'S COMMENTS

It's important to note that the Your Say survey won't be a completely representative sample of either the immediate area or Clarence as a whole, so will only give the views of those who directly engage with the survey. Notwithstanding this limitation, this qualitative information could be utilised by council to inform its decision and also by the City Heart consultant team if the area was added to the City Heart scope.

A matter for council.

**9.3 NOTICE OF MOTION - COUNCILLOR JAMES
BUY-BACK KANGAROO BAY WHARF SITE LAND**

In accordance with Notice given, Cr James intends to move the following motion:

“That Council:

1. Determines to exercise its right to buy-back the land in accordance with the Sale and Development Agreement (“SDA”);
2. Authorises the Chief Executive Officer to exercise the buy-back option contained in the SDA (in particular clauses 13.1 and 13.2) as soon as practical and prior to 12 April 2023; and.
3. Authorises the Chief Executive Officer to fund the buy-back through a combination of council reserve funds and internal loan, with the relevant budget adjustments to be reported in council’s next quarterly report.”

(Note – this Notice of Motion will require an Absolute Majority decision as it requires an alteration to Council’s approved Estimates)

EXPLANATORY NOTES

1. Council, at its meeting of 19 December 2022, did not consent to Chambroad’s request for a further extension of time to satisfy Clause 6.3 of the SDA to achieve substantial commencement of the project under the current SDA.
2. Council, in accordance with the SDA buy-back provisions, now has the right to buy back the land at the original purchase price of \$2.44m plus GST, stamp duty and associated costs.
3. Council should proceed to exercise this right as soon as possible.

R James
COUNCILLOR

CHIEF EXECUTIVE OFFICER’S COMMENTS

Chambroad has, by letter dated 5 January 2023, requested an extension of time for consultation on their modified development proposal. That request is included for decision within the governance section of this council agenda.

/ contd on Page 67

**NOTICE OF MOTION - COUNCILLOR JAMES
BUY-BACK KANGAROO BAY WHARF SITE LAND /contd...**

At its 19 December 2022 meeting, council did not accept the modified development proposal provided by Chambroad on the basis that there has been inadequate time to properly consider the proposal and insufficient detail as a consequence of time constraints.

Council officers indicated to Chambroad that any consultation undertaken in relation to the modified development proposal must be provided to council by 6 March 2023 at the latest.

Notwithstanding the comments made on 19 December 2022 regarding the lack of consultation, if councillors do not support the modified development proposal, a decision to buy-back the land at the earliest opportunity is the most practical and ethical path forward.

10. COUNCILLOR'S QUESTION TIME

A Councillor may ask a question with or without notice at Council Meetings. No debate is permitted on any questions or answers.

10.1 QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, a Councillor may give written notice to the Chief Executive Officer of a question in respect of which the Councillor seeks an answer at the meeting).

Nil.

10.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

10.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING

Cr Mulder

The Friday before last, AFL Tasmania conducted operations at council owned facilities at Wentworth Park. One of the long-term tenants of this particular area, Clarence Zebras, had actually booked through council, as I'm informed, the venue for their AGM but were unable to conduct their meeting due to the presence of AFL Tasmania, who are not a tenant of that particular room.

My questions are, did AFL Tasmania actually book these rooms, was their use of these rooms lawful and was the sale of alcohol legal?

Answer

The Chief Executive Officer took the Question on Notice.

(Further information) The use of the Wentworth Park clubroom by AFL Tasmania on Friday, 9 December was the result of a misunderstanding by AFL Tasmania about the extent of their booking.

AFL Tasmania booked the playing surface at Wentworth Park on Friday nights between October and December for their 9-a-side AFL competition. The playing surface booking includes use of the changerooms but not the social area. The social area needs to be booked separately. AFL Tasmania was not aware of this and had been mistakenly using the social area during the Friday night competition in addition to the change rooms. The Clarence Zebras had booked the social area on Friday, 9 December for their Annual General Meeting, but AFL Tasmania was not aware of this, meaning they were using the room at the time it was booked by the Zebras.

The booking arrangements have been clarified with both AFL Tasmania and Clarence Zebras.

Cr Hulme

I attended the open day of the Olympia FC Warriors on the weekend and had a good discussion with them about their plans for the future but also the issues they have in regard to losing their licence to participate in the National Premier League. I was just wondering if we could have an update about the discussions with Olympia on the issues around that.

Answer

The Chief Executive Officer took the Question on Notice.

(Further information) Councillors were provided with a briefing report dated 1 December 2022, which sets out the background and relevant issues surrounding Olympia FC's loss of its National Premier League Licence and considerations for council. Since then, the following have occurred.

- Council officers have met with Olympia's new president and other committee members separately to better understand the steps being taken by the club to address the issues around player numbers and sustainability; to consider how council may be able to assist.
- In relation to concerns about the infrastructure at the Dampier Street/Warrior Park ground, council officers:
 - have organised for professional audits of the playing surface and field lighting, to understand the potential cost involved in bringing them into compliance with the current regulations;
 - are organising quotes from external contractors for the relocation of player interchange facilities and a media stand to the opposite side of the ground, and fully fencing the playing surface perimeter (which was another requirement of Football Tasmania);
 - are arranging for damage to the perimeter fence for the ground to be fixed by council maintenance crews.
- Council officers are preparing a scope of works for a consultant to re-examine the options presented by GHD in 2016 (which were provided with the briefing report dated 1 December 2022), with a view to preparing a concept design and indicative costing that can be used to inform any future decision by council on further investment at Warrior Park. It will also be considered as part of Council's Sports Facilities Strategic Plan which is currently under development.
- Olympia is working with council officers to prepare a proposal for financial assistance from council through proposed alteration of the terms of its \$250,000 loan with council for the development of the new amenities building at Warrior Park.

Officers are continuing to meet with representatives from Olympia on a monthly basis to receive updates on Olympia's progress in negotiations with Football Tasmania and provide updates on work being undertaken by council.

Council will be kept updated on these discussions and progress.

Cr James

There seems to be some changes in relation to the number of staff on the front counter in the council chambers, particularly in the planning and building services areas. Is that just as a minor change or is there going to be a skeleton crew provided on the front counter so that members of the public can obviously have access or put their questions to and from those professionals.

Answer

The Chief Executive Officer advised that when we decanted the planning section to alternative offices in Bayfield Street, along with other staff, we established a duty planner on-site for a trial period of around 4 – 6 weeks. What we found with that was that the necessity for a planner to be available was really only necessary in the morning, with most people calling to make a booking ahead of time or dealing with their planning items over the telephone or via email. Such little demand during the afternoon led us to a conclusion that the planners time in this high workflow environment, from a planner's point of view, was better utilised back in the office in the afternoon. So, the short answer, we have someone on-site in the morning, not in the afternoon.

Cr Walker

1. As I've said previously in this chamber, I'm one of the minority of Australians that am not enamoured with compulsory voting. But my question pertains to the fact that the people in the recent election in Clarence that did not vote, did receive paperwork, and have since received follow-up paperwork to state that all fines are being waived. I'm not a fan of compulsory voting, I'm not particularly a fan of fines, however, it is my understanding that this council will be paying for the letters sent out in the first place, that we will be paying for the letters sent out in the second place and that we will be paying for the Tasmania Electoral Commissions (TEC) time to have cross checked all those people to see who voted and didn't vote. This is on top of the costs of the extra postage, which is totally understandable, we budgeted a certain amount of money.

My question pertains to have you had the costs confirmed from the TEC, that this council, that our rate payers will be paying for the last election and if so, how does that compare with the previous one?

Answer

The Chief Executive Officer advised that as you would be aware we budget year-on-year for the election so that we don't end up with what I shall refer to as "price shocks". In the context of your question, we haven't received advice yet on the total cost of the election, but it certainly has been a broadly canvassed issue with not only our council but other councils in terms of what the likely cost expectation could be for compulsory voting. The TEC estimate was that it wasn't going to be significant in a voting sense up to the point where votes were being counted because they would have sent all that information out anyway. So, the expectation on additional costs per counting wasn't going to be significant in the grand scope of the cost, however, I don't have an answer regarding the follow-up in terms of people who didn't vote, and any costs associated with that. So, I will take that portion of the Question on Notice and provide a response.

Cr Walker

The bottom line is, it will be whatever it is because council is a price taker and not a negotiator when it comes to this matter.

Chief Executive Officer

Yes

2. My second question relates to Mt Rumney, a fabulous part of Clarence, like all of Clarence. When I went up there a few months ago the top car park looked like a scene out of Mad Max 2 Fury Road, with two burnt out vehicles and one on its side. I've had concerns over the weekend from residents with another vehicle that crashed along the narrow bit of road in that area, it is a very narrow bit of road and the seclusion of the lookout at night seems to be a magnet for anti-social behaviour, it isn't necessarily the vista of an equivalence to Rosny at night.

I guess my question is around, having raised this before, are there some more visible steps we can take to improve safety in this area and what are the ramifications potentially of closing if you like the final section of road to the lookout itself to cars.

Answer

The Chief Executive Officer took the Question on Notice.

(Further information) The lookout area contains antenna transmission to a number of service providers and access to these is envisaged to be required.

A warning sign indicating CCTV surveillance is located on a nearby power pole. Further enquiries can be undertaken in relation to the extent of this and possible future improvements to this coverage.

Hooning is considered to be a police matter and should be reported to Tasmania Police for enforcement.

Cr Warren

Residents have been understandably concerned about the derelict property in Bellerive on the corner of Cambridge Road and Clarence Street and I am hoping you may have an update for us tonight.

Answer

Council's City Planner, Ross Lovell, advised that a planning application has been lodged for a new development, it is currently under assessment, and we are going through a process of considering the owner's consent issue because it also relies on council land. There are a range of issues involved that need to be resolved before the application can be validated. But given the amount of controversy involved in the site to date, we will do a memo at the appropriate time to say when it becomes valid and when it's advertised.

10.4 QUESTIONS WITHOUT NOTICE

A Councillor may ask a Question without Notice of the Chairman or another Councillor or the Chief Executive Officer. Note: the Chairman may refuse to accept a Question without Notice if it does not relate to the activities of the Council. A person who is asked a Question without Notice may decline to answer the question.

Questions without notice and their answers will be recorded in the following Agenda.

The Chairman may refuse to accept a question if it does not relate to Council's activities.

The Chairman may require a question without notice to be put in writing. The Chairman, a Councillor or the Chief Executive Officer may decline to answer a question without notice.

11. CLOSED MEETING

Regulation 15 of the Local Government (Meetings Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matter has been listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

11.1 APPLICATIONS FOR LEAVE OF ABSENCE

This report has been listed in the Closed Meeting section of the Council agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulation 2015 as the detail covered in the report relates to:

- applications by Councillors for a Leave of Absence.

Note: The decision to move into Closed Meeting requires an absolute majority of Council.

The content of reports and details of the Council decisions in respect to items listed in “Closed Meeting” are to be kept “confidential” and are not to be communicated, reproduced or published unless authorised by the Council.

PROCEDURAL MOTION

“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.