



Rosalie Woodruff MP

Member for Franklin

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28th June 2017

Mayor Chipman
Clarence City Council
By email: mayor@ccc.tas.gov.au

cc: all councillors

Dear Mayor Chipman,

Re: Response to Kangaroo Bay Concerns

On Sunday 4th June, more than 170 Bellerive residents packed a public meeting opposed to the Kangaroo Bay foreshore development. I facilitated the meeting on behalf of *Voice of Kangaroo Bay*, a community group formed to represent community views.

The residents spoke of their anger at Council's betrayal of the community; the secret deals conducted over several years between your Government, TasTafe, and the developer Shandong Chambroad; and the substantial deviation from the Kangaroo Bay Development Plan, which the community was only informed about in the week before Christmas.

The very strong view of the meeting was that residents are not against development at this site. In fact, people had been looking forward to the sort of development that had been enshrined in the *Kangaroo Bay Development Plan*. The scale of the Shandong Chambroad development, and the loss of public space, is not what residents understood had been agreed within the Plan, and represents a breach of faith.

The meeting passed the following motions (by acclamation, and with no dissention) that:

1. Clarence City Council is censured by the community for failing to uphold its own community consultation guidelines.
2. The Council rescind or reconsider the development, and actively consult with the community to provide a development sympathetic to Kangaroo Bay and community character.
3. Clarence City Council and the State Government release to the community all the deals that are being struck or considered on the six other proposed Kangaroo Bay developments.

Lack of consultation with the community

A community-endorsed *Kangaroo Bay Development Plan* was approved by the Tasmanian Planning Commission in 2011. This provided a maximum three-storey building height, large public open spaces for events, and strong connection with the waterfront. The approved development directly contravenes this Plan.

In March 2015, the state government announced a gift of publicly-owned land – worth \$2.5 million – to Clarence City Council to help the private developer build a hotel on the dinghy shed and old ferry terminal site. The development will be built on a parcel of land that has always been publicly owned, some reclaimed land, and a small parcel of council land. Residents at the meeting expressed anger that this announcement was made by the Premier without council consultation about how they want their public waterfront land to be used.

Bellerive residents only saw the proposed development for their foreshore in any detail on 17th December 2016, when Shandong Chambroad formally and finally lodged their Development Application with Council. Residents do not consider a picture that was published in the Mercury of one of the two buildings to constitute “consultation” for this development.

The period for representations closed 12th January 2017. The timing of the lodgement of this application, with the consultation period running across Christmas/New Year, guaranteed almost no public scrutiny or discussion. Residents were effectively prevented from accessing legal and planning advice because of the holiday period.

To compound the lack of community engagement throughout this development, the Clarence City Council made an amendment to the *Kangaroo Bay Development Plan* three days prior to the close of submissions to enable the development to proceed. There was no public consultation about this change.

Although you have repeatedly made the point that consultation for this development has been in line with that required within the rules of the Tasmanian Planning Scheme, it clearly breaches all the Guiding Principles of council’s own *CCC Community Participation Policy 2010*:

- There was not “clear, honest and timely communication” with the community about this project.
- People were not “informed of progress and outcomes”,
- You did not establish processes that were “inclusive and connected all in the community”
- And you did not “respect the feedback you received”.

This development has been involved extensive discussion between councillors, your council staff, the Premier, TasTafe and Shandong Chambroad for years. There would have been many opportunities to alert the community to the major differences between the *Kangaroo Bay Development Plan* and the development being negotiated – and to have a public conversation about the benefits and tradeoffs of different developments and uses of publicly-owned land – well before a DA was “officially” lodged at Christmas time.

Cambridge Road building

The community are most concerned about the proposed second building, an effective six storey building which runs along Cambridge Road. This building is an unbroken 83 metres in length, and will stand 13.6 metres (two power poles) above the existing road level. It will obscure views of the bay, city and mountain, and there's no distance between the building's overhang and the Cambridge road footpath. The community consider it to be totally out of scale in the vicinity, where most dwellings are single storey.

Survey of residents' views

People from Voice of Kangaroo Bay prepared a questionnaire to gather Bellerive residents' views about the proposed development, and to formally register the changes they think need to be made. Members of the audience at the June public meeting were invited to fill in the survey.

Over 132 questionnaires were completed (some had multiple names on the front page, indicating that two people with similar views had completed a single questionnaire). Not all parts of the questionnaire were completed by everyone; residents concentrated on issues important to them.

The survey asked about the changes people think should be made to the proposed Kangaroo Bay Development. The results are compiled below:

a) *What is the maximum number of storeys for each building (at 3m per storey)?*

	2 (6m)	3 (9m)	4 (12)	5 (15)
<i>Cambridge Rd bldg</i>	93	26	1	0
<i>Hotel</i>	67	39	3	2

The community do not support the height of the Cambridge Road building as it has been approved, but want it to be no more than 3 storeys (as per the Kangaroo Bay Plan).

b) *To retain views of the bay and mountain, what should be:*

Maximum length of the Cambridge Rd building?

30m	60m	83m
82	29	2

Maximum length without a break in the Cambridge Rd building?

10m	20m	40m
68	36	8

The building along Cambridge Rd needs to be broken into much shorter spans to allow the views of the mountain and the bay to be appreciated by all residents.

c) *What should be the minimum distance between the Cambridge Rd building and footpath, including overhang?*

6m	3m	1.5m	0m
76	32	5	0

The distance between the Cambridge Rd building and the footpath must be far greater than what is proposed – and increased to at least three metres.

d) *What should be the minimum number of car spaces for a development that requires 191 spaces?*

60	100	140	191
14	17	20	62

There is a great deal of concern about the few parking spaces that have been required by Council for this development. Many people believe this will have a detrimental impact on Cambridge Road and on parking off the side streets of local residents.

Shandong Chambroad has already been described as "the preferred developer" for the additional six developments proposed for Kangaroo Bay. However, there has been no community conversation about the sale of this public land, or the scale of these developments – and whether they differ to the Kangaroo Bay Development Plan.

e) *What consultation should happen before public land is developed in Clarence in future?"*

132 people wanted: full public consultation with all affected parties that is open to everyone, and with the opportunity for a two-way conversation, *prior to* a decision being made to develop public land. Any changes to the *Kangaroo Bay Development Plan* must be fully discussed with the community before a Development Application is lodged with Council by the proponent.

Nine people also wanted: targeted consultation with those parties most directly affected by the proposal, including businesses and neighbours of the public land, and the results of these consultations made publicly available.

One person wanted: confidential consultation between affected parties on a case by case basis, not open to the public.

Supporting the Bellerive community

In light of the persistent opposition to the development, I ask that Clarence Council commit:

1. To meet with concerned Bellerive residents and discuss the concerns they have raised in the survey,
2. To work with the community and amend the development, particularly the Cambridge Road building, to ensure it only proceeds in a form that is acceptable to the local community,
3. To full and open public consultation with residents before any further public land in Kangaroo Bay or the Clarence municipality is provided to developers.

People are concerned that construction of this contentious Kangaroo Bay development will start shortly. I look forward to your response to the matters raised in this letter. Should you wish to respond directly to the residents involved in Voice of Kangaroo Bay, please contact my office and we will forward their contact details to you.

Sincerely,

A handwritten signature in black ink, reading 'R Woodruff'. The 'R' is large and stylized, with a long horizontal stroke. The 'Woodruff' is written in a cursive script.

Rosalie Woodruff MP

Greens Member for Franklin

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Clarence... a brighter place

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Office of the Mayor

5 July 2017

Ms Rosalie Woodruff MP
Member for Franklin
7 Franklin Wharf
HOBART TAS 7000

Dear Ms Woodruff

Thank you for your correspondence of 28 June 2017. The Council appreciates your interpretation of the issues raised at the meeting that you facilitated.

I would like to clarify the level of consultation undertaken by Council in regard to the development of the Kangaroo Bay Precinct, which I might add has been ongoing for more than a decade.

In respect to the timing of the development application I can confirm that Council provided an extended period of 26 days for lodgement of comments and submissions, well in excess of the normal legislated 14 day period. During this period adjacent landowners were notified, the application was advertised in the Mercury Newspaper and a total of 27 notices were displayed around the site.

As you have indicated, in early January 2017 there was a minor amendment made to the Planning Scheme Use Table for the Kangaroo Bay Particular Purpose Zone. This amendment clarified that any visitor accommodation within the wharf area of the zone must be predominately above the ground floor level. That amendment was of no direct consequence to the assessment of the hotel and hospitality school application, which does not propose visitor accommodation at ground level.

You may have been incorrectly advised that the height of the proposed building along Cambridge Road is more than that allowed for under the Clarence Interim Planning Scheme 2015. Whilst the Scheme nominates a permitted height of two storeys which cannot be refused by Council, it also allows consideration of taller structures at Council's discretion.

As you would be aware, the Council as planning authority granted a planning permit for the proposed development subject to a number of conditions, with several of those conditions being in response to the public representations received. I note that none of the representors exercised their right to appeal the Council's decision to grant a permit, nor to appeal the conditions imposed.

I would also like to clarify that there are not another six proposed Kangaroo Bay developments that Council is aware of, contrary to the assertion in your letter. The Boulevard site is currently part of an expression of interest process.

Finally, I would like to assure you that the Council is well aware of its obligations to work with the community and will continue to consult as needed on developments within the municipality.

Yours sincerely

A handwritten signature in black ink that reads "Doug Chipman". The signature is written in a cursive, flowing style with a large initial 'D'.

Alderman Doug Chipman
MAYOR