

ASSESSMENT CRITERIA

Kangaroo Bay Hotel

Major Project

prepared by the Development Assessment Panel
for the Kangaroo Bay Hotel Major Project

25 February 2025

Assessment Criteria – Kangaroo Bay Hotel Major Project

Prepared and published by:

Tasmanian Planning Commission
GPO Box 1691
Hobart Tasmania 7001

25 February 2025

Email address: tpc@planning.tas.gov.au

Internet address: www.planning.tas.gov.au

Contents

Preamble	2
What is the purpose of the assessment criteria?	2
How were identified matters incorporated into the assessment criteria?	2
Requirements of the Act for the determination of a major project	2
Why are many of the assessment criteria subjective?	3
How does the Panel determine if the assessment criteria have been satisfied?	3
How does the 'context' relate to the assessment criteria?	3
What are the lists of factors the Panel 'may have regard to'?	4
What is the purpose of the description of terms?	4
What are the matters the MPIS is to address?	4
What is the purpose of the appendices?	4
The Kangaroo Bay Urban Design Strategy and Concept Plan	5
The relevant planning scheme	5
Assessment Criteria	6
1.0 Use and development	6
1.1 Use and activation	6
1.2 Context and landscape	7
1.3 Built form and architectural design	8
1.4 Public domain and passive surveillance	8
2.0 Parking, access, traffic, and transport	10
2.1 Car parking and access	10
2.2 Traffic and transport	11
3.0 Environmental impacts and natural hazards	13
3.1 Coastal inundation and flood	13
3.2 Contaminated land	13
3.3 Water quality and flow	14
4.0 Other planning matters	15
4.1 Aboriginal heritage	15
4.2 Signage	15
4.3 Site services and infrastructure	16
4.4 Construction management	17
Description of terms	18
Appendix A. Proposal plans and information	19
Appendix B. Guidance materials	22
Appendix C. Guidance provided by participating regulators, agencies and landowners	25

Preamble

In this document, this preamble, the table of contents, footnotes, and appendices are included to help users understand the assessment criteria. They are for information but do not form an operative part of the assessment criteria.

What is the purpose of the assessment criteria?

In an overall sense, the assessment criteria serve two important roles:

- (a) they outline the matters the Major Project Impact Statement (MPIS) is to address; and
- (b) in determining whether to grant or refuse to grant a major project permit, the Development Assessment Panel (Panel) must consider if the assessment criteria have been satisfied.

How were identified matters incorporated into the assessment criteria?

The assessment criteria have been derived from the collective consideration of:

- (a) advice from the participating regulator that identified matters the MPIS is to address;
- (b) relevant land use planning matters; and
- (c) submissions from other stakeholders.

A range of relevant identified matters may be incorporated into a single assessment criterion, or a single matter may be addressed across a number of criteria.

Requirements of the Act for the determination of a major project

The Panel's consideration of the assessment criteria and its determination of whether to grant or refuse to grant a major project permit will be undertaken in accordance with the procedures and requirements of section 60ZZM of the *Land Use Planning and Approvals Act 1993* (the Act).

Section 60ZZM requires that the Panel must only grant a major project permit where:

- (a) it is satisfied that the major project (the major project) is an effective and appropriate use or development of the land related to the project;
- (b) the assessment criteria in relation to the major project have been satisfied; and
- (c) it is satisfied that:
 - (i) the major project would be consistent with furthering the objectives specified in Schedule 1;
 - (ii) the major project would not be in contravention of a State Policy;
 - (iii) the major project would not be in contravention of the Tasmanian Planning Policies (TPPs);¹ and

¹ The TPPs are not currently in effect.

- (iv) the major project would not be inconsistent with a regional land use strategy that applies to the land on which the project is to be situated.

The Act does not require the considerations under (a) and (c) above to be addressed in the MPIS, however the proponent may choose to address them in a separate submission. Where the proponent chooses to make a separate submission, it is preferable that it be provided prior to the MPIS going on public exhibition.

The considerations under (a) and (c) above are equally as important as the assessment criteria to the Panel's decision on whether to grant a major project permit.

Section 60ZZM also requires that in deciding whether to grant a major project permit, the Panel must:

- (a) have regard to the relevant planning scheme;
- (b) consider any representations made in relation to the major project;
- (c) consider any matters raised in hearings in relation to the major project; and
- (d) consider all final advices from participating regulators.

Why are many of the assessment criteria subjective?

Generally, the assessment criteria have been drafted to provide an outline of a topic and a test to determine if the major project achieves an acceptable outcome in relation to that topic. The Panel is then required to judge whether the major project satisfies the test in relation to each topic. Consequently, most assessment criteria are subjective.

How does the Panel determine if the assessment criteria have been satisfied?

The major project will be considered against each assessment criterion. To grant a major project permit, the Panel must determine that the major project satisfies each assessment criterion.

The Panel's consideration of whether the assessment criteria have been satisfied will involve forming a judgement on a range of interrelated matters. The Panel's judgement on these matters will be exercised in a way that satisfies general requirements for discretionary decision-making, in line with other discretionary decision-making undertaken by the Commission.

Where satisfaction of a criterion is based on whether an acceptable level has been achieved, the Panel may assess this considering the major project as a whole. This means that the threshold of what the Panel considers to be an acceptable level may be different for each criterion.

How does the 'context' relate to the assessment criteria?

Where provided, the context explains the background relating to that criterion. This is to assist understanding of the issue addressed but is not an operative part of that criterion.

What are the lists of factors the Panel ‘may have regard to’?

Many of the assessment criteria include a list of factors that the Panel ‘may have regard to’ when it considers that criterion. These are not operative parts of the criteria.

Generally, these factors have been included when the Panel considers:

- (a) professional practice has demonstrated there are likely to be particular factors that may be relevant to the criterion; or
- (b) it is important for a specific factor to be transparently mentioned.

The list of factors the Panel may have regard to is not intended to be exhaustive, nor is it a complete outline of the scope or content of what should be included in the MPIS.

What is the purpose of the description of terms?

The description of terms is provided to help users understand the assessment criteria, and to clarify how the Panel will interpret particular terms in their consideration of the assessment criteria.

Described terms are shown in bold where used in the assessment criteria.

What are the matters the MPIS is to address?

The MPIS is to address the assessment criteria specified under each topic.

Where the assessment criteria identify factors that the Panel ‘may have regard to’, the MPIS should be prepared in a way that enables these to be considered.

The MPIS is to be prepared by suitably qualified people. Where findings or conclusions are reached, the MPIS should clearly outline:

- (a) the evidence that supports or relates to the findings or conclusions; and
- (b) the degree to which the findings or conclusions are based on professional opinion.

Where the proponent provides statements and opinions, as additional to the assessment by suitably qualified people, on:

- (a) the merits of a matter;
- (b) the merits of the major project as a whole; or
- (c) views on matters outside of the assessment criteria;

these should be provided as separate written submissions, preferably at the same time as the MPIS.

What is the purpose of the appendices?

The appendices are provided as guidance and do not form an operative part of the assessment criteria.

The MPIS is to propose the use and development for which a major project permit is sought, including:

- (a) details of the location of the proposed use and development; and
- (b) a full description of the proposed use and development.

In addition, the MPIS is to provide plans and descriptions of the project site, the locality, and existing use and development, that are able to be understood with reference to the proposed use and development.

It is expected that this will be fulfilled by providing the information outlined in Appendix A.

Appendix B outlines a list of reference guidance materials. These materials are provided as guides that may be relevant to the preparation of the MPIS, and generally relate to commonly accepted practices or methods that provide a means of assessing a matter. In some instances, the methods themselves are of greater relevance than the particular subject matter.

The list in Appendix B is not exhaustive and following the guidance is not mandatory. The list of guidance materials does not constrain or limit the ability of the MPIS to address matters through other practices or methods.

Appendix C provides a link to the Commission's website, which contains feedback on matters for the assessment criteria provided by the participating regulator, agencies and landowners. These documents include content that may provide guidance on information or assessment methods for the MPIS that is considered appropriate by the participating regulator or other stakeholders.

The Kangaroo Bay Urban Design Strategy and Concept Plan

A number of the assessment criteria refer to the Kangaroo Bay Urban Design Strategy and Concept Plan (the Kangaroo Bay UDS). This document was prepared in 2008 by Inspiring Place with assistance from Leigh Woolley, Urban Enterprise, and Arup. The preparation of the document involved community and stakeholder consultation and sought to provide the strategic foundation for the future development of Kangaroo Bay. The Kangaroo Bay UDS was translated into the Kangaroo Bay Development Plan (DPO 11), which was incorporated into the former Clarence Planning Scheme 2007 after being approved by the Tasmanian Planning Commission. The DPO 11 was then translated into the Kangaroo Bay Particular Purpose Zone in the former Clarence Interim Planning Scheme 2015 and the current Tasmanian Planning Scheme – Clarence.

The Kangaroo Bay UDS is 17 years old and some of the specific outcomes envisaged by it are no longer possible to implement. However, the intent of the document and the principles it sets out remain relevant to the use and development proposed by the major project.

The relevant planning scheme

Any reference in the assessment criteria to a zone or code relates to the Tasmanian Planning Scheme – Clarence, unless otherwise specified.

Assessment Criteria

1.0 Use and development

1.1 Use and activation

Context

This criterion addresses the suitability of, and impacts from, the proposed **use** for the **project site**.

As detailed in the Major Project Declaration, a hotel (in the visitor accommodation use class) is the primary **use** proposed, and a number of subservient **uses** are included within that primary **use**, including a restaurant (food services use class), a bar (hotel industry use class), a function/conference centre (community meeting and entertainment use class), and an outdoor event space (passive recreation use class). The primary **use** as a hotel is a discretionary **use** in the Particular Purpose Zone CLA-P2.0 Kangaroo Bay (the Kangaroo Bay PPZ). If any of the subservient **uses** were considered to be **uses** in their own right, they are all discretionary with the exception of a restaurant which is a permitted **use** in the zone.

The criterion also addresses the desirability of having **uses** that activate **publicly accessible spaces** at a pedestrian level on the **project site**.

Criterion

The proposed **use**:

- (a) is compatible with existing and potential **use** of land on and adjacent to the **project site**;
- (b) provides for the activation of **publicly accessible spaces** on the **project site**; and
- (c) avoids or minimises significant adverse effects on the amenity of nearby land and water, including public open space;

to an acceptable level.

In considering the criterion, the Panel may have regard to:

- The Kangaroo Bay PPZ, and in particular the zone purpose statement CLA-P2.1.1, the local area objectives CLA-P2.2.3 (b), (f), (h), and (j), and the use table CLA-P2.4.
- The Kangaroo Bay PPZ use standards CLA-P2.5.1.
- The Kangaroo Bay UDS, particularly the extent to which the proposed **uses** are consistent with the desired future character statement for **Kangaroo Bay**, and the intent and rationale, the key opportunities, and the development guidelines for the Design Precinct.
- The provision of **uses** that increase activation and engagement with **publicly accessible spaces** at a pedestrian level.
- Impacts on areas of public open space nearby the **project site**, including **Kangaroo Bay**.

- The extent of the hours of operation.
- The noise levels generated by the major project, including their timing, duration and extent.
- The level of external illumination in proximity to habitable rooms.
- The time, duration, number, and frequency of commercial vehicle movements, as well as the size of the vehicles involved, and the amount of reversing required.
- Any advice from the Aboriginal community.
- Any advice from a council or state agency.

1.2 Context and landscape

Context

This criterion addresses the location, siting and design of the proposed **development** to respond to the context and **landscape** of the **Kangaroo Bay** waterfront setting and a sense of place. The **landscape** is to be assessed in its broadest sense. The area to be included in the assessment is the full extent of land and water where there may be an effect. The definition of **landscape** includes natural landforms, waters and ecosystems, human settlement and people's association with place.

Criterion

The proposed **development** is to:

- (a) be of a design that responds and contributes to its context and the surrounding **landscape** through articulation, siting, materials, and colours;
- (b) be sited to give effect to the design principles of the Kangaroo Bay UDS having lower and lightweight/visually permeable structures closer to the waterfront; and
- (c) provide physically and visually clear pedestrian connections between Kangaroo Bay Drive and the **Village**, consistent with the intent of the Kangaroo Bay UDS;

to an acceptable level.

In considering the criterion, the Panel may have regard to the extent to which the major project:

- complements the context of **Kangaroo Bay** and the existing forms via the articulation, architectural expression, pattern of design details, materials and colours;
- treats the **Kangaroo Bay** waterfront as a continuous public space with an emphasis on safe, legible pedestrian movement and community access to the waterfront;
- reinforces the physical contact and visual experience with water; and
- responds to any advice received from a state agency or council.

1.3 Built form and architectural design

Context

This criterion addresses the impact of the scale and height of the proposed **development** on the character of the **surrounding area** and the architectural responses to the local built form and **landscape** character. The scale, height and architectural design of the proposed **development** are to be appropriate for the **project site** and responsive to the **surrounding area**.

Criterion

The design of the proposed **development** is to achieve a scale and height appropriate to the existing or desired future character of the **surrounding area** and **landscape** setting.

The scale, height and architectural design of the proposed **development** is to:

- (a) allow for a visual connection with the timtumili minanya/River Derwent and kunanyi/Mount Wellington; and
- (b) respond and relate to the waterside location and maritime activities, being reflected in the colours and materials of the built and spatial form;

to an acceptable level.

In considering the criteria, the panel may have regard to the extent to which the proposed **development**:

- has a compatible height, form and scale with the existing spatial and built form of the **surrounding area**;
- provides built forms that are of contemporary design and cognisant of the high visibility of the **project site**;
- provides a built form that allows for visual transparency and permeability;
- is orientated towards the waterfront; and
- responds to any advice received from a state agency or council.

1.4 Public domain and passive surveillance

Context

This criterion addresses the public domain **passive surveillance** within the **project site** and the **surrounding area**. The criterion considers the provision of quality **publicly accessible spaces** that are clearly defined and fit for the intended purpose.

Buildings and **publicly accessible spaces** are to be inclusive and accessible to everyone. The design of the proposed **development** is to enable the creation of **publicly accessible spaces** that include physical, cultural, and social elements that contribute to the creation of a sense of place.

Criterion

The siting and design of the proposed **development** creates **publicly accessible spaces** and improves the **passive surveillance** of the **project site** and **surrounding area**, by:

- (a) providing a **publicly accessible space** through the western or central part of the **project site**;
- (b) maintaining an actual and legible network of publicly accessible pathways (pedestrian and cycle) between the **Village** and Kangaroo Bay Drive; and
- (c) avoiding the creation of concealment and entrapment spaces;

to an acceptable level.

In considering the criteria, the Panel may have regard to the extent to which the proposed **development**:

- provides **passive surveillance** to the **project site**, **surrounding area** and adjoining public domain;
- clearly defines the **publicly accessible spaces** and pedestrian accessways;
- provides lighting around **publicly accessible spaces** on-site;
- considers whether any 'secondary spaces' are created on the **project site** and their pedestrian useability, and contribution to public benefit;
- provides frontages to the street and pedestrian areas that are active and legible in the wider **streetscape**;
- incorporates **Crime Prevention through Environmental Design**; and
- responds to any advice from a council or state agency.

2.0 Parking, access, traffic, and transport

2.1 Car parking and access

Context

This criterion addresses the provision, functionality, and siting of on-site car parking, as an ancillary component to the primary hotel **use** of the **project site**, noting that vehicle parking is not proposed as a standalone **use**.

This criterion also addresses the provision of vehicular access to the **project site**.

Improving access and circulation while not compromising pedestrian movement in the area, as well as providing for a vehicular access link to the **Marina** from **Kangaroo Bay**, are key strategic goals.

Criterion

Car parking and access is:

- (a) provided to meet the needs of the proposed **uses**, including adequate access for goods delivery and collection;
- (b) designed and constructed to be convenient, safe, and efficient, including associated areas for access, manoeuvring and circulation;
- (c) designed and sited to not have a significant adverse impact on the **streetscape**; and
- (d) designed to achieve public vehicular access and connectivity between the **Marina** and Kangaroo Bay Drive, within the **project site**;

to an acceptable level.

In considering the criterion, the Panel may have regard to:

- The Kangaroo Bay PPZ purpose statement CLA-P2.1.3, and local area objectives CLA-P2.2.3 (d), (h), and (i).
- The intent of the Kangaroo Bay UDS.
- The nature of the proposed **use** and **development**, and the characteristics of the **project site**.
- The provision, availability, and suitability of off-street and on-street public car parking nearby the **project site**.
- The availability, frequency, and likely use of public transport nearby the **project site**, and alternative modes of transport.
- Any impact that the provision of parking may have on the **streetscape** and amenity of land nearby the **project site**.
- The frequency of goods delivery and collection.
- The provision of lighting.
- The extent to which parking is integrated into the built form.
- The way the parking is sited with respect to the built form, and any street edges or other **publicly accessible spaces**.
- The number, type, safety, convenience, and efficiency of the accesses proposed.

- The anticipated volume of people and vehicles accessing the **project site**.
- The nature of the vehicles accessing the **project site** (the public, guests, valet, etc).
- How the proposal provides public vehicular connectivity to the **Marina**.
- Any proposed or future pedestrian connection to the footway between Cambridge Road and Kangaroo Bay Drive.
- Any works proposed within Clarence City Council's road reservations, including the loss of any on-street car parking.
- The need for any rights of way or easements on the **project site** to facilitate the car parking, access, or connections to adjacent land, existing or proposed.
- The Parking and Sustainable Transport Code.
- Any advice from a road authority, a council, or a state agency.
- Any relevant Australian Standards.

2.2 Traffic and transport

Criterion

The proposed **use** and **development**:

- (a) generates traffic that avoids or minimises significant adverse effects on the safety and efficiency of the road network nearby the **project site**; and
- (b) encourages the use of alternative modes of transport to access the **project site** by the public, guests, and employees;

to an acceptable level.

In considering the criterion, the Panel may have regard to:

- The Kangaroo Bay PPZ local area objective CLA-P2.2.3 (j).
- The intent of the Kangaroo Bay UDS.
- The nature of the traffic generated, and the increase in traffic caused, by the major project.
- The nature of the roads nearby the **project site**, including their speed limits and traffic flows.
- The amount of on-site car parking, motorbike parking, and bicycle parking proposed.
- The amount and type of end-of-trip bicycle facilities proposed.
- The proximity to, and availability, frequency, and likely use of, public transport, and other modes of transport.
- The extent to which the major project proposes, allows for, or constrains, the provision of future ferry transport infrastructure and services, and private boat infrastructure.
- The level of pedestrian amenity provided, and any impacts on the amenity of land nearby the **project site**.
- The extent to which the major project proposes, allows for, or constrains, the provision of active transport infrastructure and connectivity through the **project**

site, including the need for any rights of way or easements to facilitate such infrastructure and connectivity.

- The Parking and Sustainable Transport Code and the Road and Railway Assets Code.
- Any relevant *Australian Standards*.
- Any advice from a road authority, a council, or a state agency.

3.0 Environmental impacts and natural hazards

3.1 Coastal inundation and flood

Criterion

The proposed **use** and **development**:

- (a) maintains an acceptable level of risk from the impacts of **coastal inundation** and **flood** on the **development** and its users; and
- (b) does not cause an unacceptable increase in **coastal inundation** and **flood** risks to nearby land or public infrastructure for the intended life of the **development**.

In considering the criterion, the Panel may have regard to:

- The type, form, scale, and intended duration of the proposed **development**.
- The level of risk from **coastal inundation** and **flood** to people, property, and infrastructure on the **project site**.
- The increase in risk from **coastal inundation** and **flood**, if any, to nearby land and public infrastructure as a consequence of the major project.
- The extent of any emergency management risks.
- Any mitigation or protection measures required or proposed.
- The extent to which the **use** and **development** is reliant on a coastal location.
- The Coastal Inundation Code and the Flood-Prone Areas Hazard Code.
- The *Tasmanian State Coastal Policy 1996* in relation to managing **development** on land subject to coastal hazards like storm surge, tides, and sea level rise.
- Any advice from the Tasmania Fire Service, Tasmania State Emergency Service, other state agency, or council.

3.2 Contaminated land

Criterion

The proposed **use** and **development** minimises the risk of, and adverse effects from, land contamination on human health and the environment, to an acceptable level.

In considering the criterion, the Panel may have regard to:

- The type of **uses** proposed.
- The extent of excavation proposed.
- The **project site's** land contamination history.
- The level of risk posed to human health and the environment due to land contamination, as a consequence of the proposed **use** and **development**.
- Any mitigation or remediation measures required or proposed.
- The Potentially Contaminated Land Code.

- The *National Environment Protection (Assessment of Site Contamination) Measure 1999* in relation to the assessment of **use** and **development** proposed on contaminated land.
- Any advice from the Environment Protection Authority Tasmania, other state agency, or council.

3.3 Water quality and flow

Criterion

The proposed **use** and **development**, including works during the construction phase, maintains:

- (a) the flows of groundwater and surface water;
- (b) the quality of groundwater and surface water; and
- (c) the health of ecological systems and organisms in relation to changes in water flow, disturbance of riparian areas, and release of sediments or pollution;

to an acceptable level.

In considering the criterion, the Panel may have regard to:

- The extent of works proposed within the riparian area, including the extent of any cut and fill, as well as any works within the timtumili minanya/River Derwent itself.
- The extent of, and impacts from, any erosion, siltation, sedimentation, and runoff.
- Any proposed stormwater connection point(s) directly into the timtumili minanya/River Derwent.
- Any mitigation measures proposed or required, and the likelihood of future works being required, to protect natural assets (specifically including the Spotted Handfish (*Brachionichthys Hirsutus*), infrastructure, and property.
- The Natural Assets Code.
- The *State Policy on Water Quality Management 1997* in relation to the management of surface water and ground water quality.
- Any advice from the Derwent Estuary Program, Department of Natural Resources and Environment Tasmania, other state agency, or council.

4.0 Other planning matters

4.1 Aboriginal heritage

Context

This criterion addresses intangible Aboriginal cultural heritage values, noting the **project site** may be considered to be of significance to the Tasmanian Aboriginal Community, and the broader cultural values of the **project site** are not well understood. It responds directly to advice received from Aboriginal Heritage Tasmania.

Criterion

The proposed **use** and **development** maintains any intangible Aboriginal cultural values linked to the use, associations, and meanings, associated with the **landscape** character of the place, to an acceptable level.

In considering the criterion, the Panel may have regard to:

- Any advice received from Aboriginal Heritage Tasmania, a council, or other state agency.
- Any advice received from the Aboriginal community.
- The extent of any potential impacts on the ongoing connectivity between Aboriginal people and areas of cultural significance.
- How cultural values associated with the **project site** may be interpreted through the proposed **use** and **development**.
- Any mitigation measures proposed or required.

4.2 Signage

Criterion

The proposed **use** and **development** provides signage that is complementary to the proposed **use** and **development** of the **project site**, and the character of the **streetscape** and **surrounding area**, to an acceptable level.

In considering the criterion, the Panel may have regard to:

- The design and siting of any signage, including its type, size, illumination, number, repetition of message, and its relationship to the size and scale of the building on which it is to be located.
- The impact of any signage on amenity, including visual amenity, as well as on the safety and appearance of any roads.
- The extent and nature of existing signage in the area.
- The Signs Code.
- Any advice received from a state agency or council.

4.3 Site services and infrastructure

Context

This criterion addresses stormwater management and the provision of other services. The criterion relates directly to the Clarence City Council's Stormwater Management Procedure for New Development, as well as the State Stormwater Strategy. The criterion also addresses the provision of other services, in particular TasWater and TasNetworks infrastructure (water, sewer, power), but extends to the provision of other infrastructure like internet and telecommunications. The criterion responds directly to advice received from TasWater.

Criterion

The proposed **use** and **development**:

- (a) includes a stormwater system or stormwater infrastructure to manage stormwater quality and quantity; and
- (b) provides services to meet the needs of the proposed **use** and **development**;

to an acceptable level.

In considering the criterion, the Panel may have regard to:

- The type of stormwater management system proposed, and the extent to which best practice stormwater management and water sensitive urban design principles have been incorporated into the proposed **use** and **development**.
- How stormwater quality will be managed, and the water quality targets set out in the State Stormwater Strategy.
- How stormwater quantity will be managed, including any details of on-site detention.
- How stormwater will be disposed of, including connections into the timtumili minanya/River Derwent.
- The Clarence City Council's Stormwater Management Procedure for New Development.
- The Tasmanian Stormwater Policy Guidance and Standards for Development, and any other relevant Industry standard documents.
- The requirements of the *Urban Drainage Act 2013*.
- The anticipated demand for, capacity of, and need to upgrade, other services such as sewer, water, power, internet, telecommunications, etc.
- The degree to which the proposed **use** and **development**:
 - increases the demand for water supplied by TasWater.
 - increases the amount of sewage or toxins that are to be removed by, or discharged into, TasWater's sewerage infrastructure.
 - will require new connections or modifications to existing connections to be made to TasWater infrastructure.
 - may have the potential to damage or interfere with TasWater's works.
 - may adversely affect TasWater's operations.

- may be within two metres of TasWater’s infrastructure or within any TasWater easement.
- Any advice from TasWater, the Derwent Estuary Program, a council, or state agency.

4.4 Construction management

Criterion

The construction phase is managed to minimise adverse impacts on the environment, human health, and the amenity of nearby land, to an acceptable level.

In considering the criterion, the Panel may have regard to:

- When construction is expected to commence and be finished, as well as the proposed construction operating hours.
- The proposed construction methodology.
- How construction traffic is proposed to be managed.
- How contaminated land is to be managed, including excavation, stockpiling, and transportation.
- How other environmental impacts will be managed, including dust, odours, noise, and the spread of weeds.
- How any potentially noisy construction activities will be managed.
- How soil and water management will be undertaken.
- How monitoring, communications, and complaints will be managed.
- Emergency management risks.
- Any advice from a council or state agency.

Description of terms

coastal inundation: means the temporary or permanent inundation of land by the sea because of storm surge, tides, or sea-level rise.

Crime Prevention through Environmental Design: means reducing opportunities for crime to occur by designing the built environment in ways that enhance safety and security.

development: as defined under the *Land Use Planning and Approvals Act 1993*. Includes temporary development.

flood: means the periodic or permanent flooding of land from a watercourse or other inland water source.

Kangaroo Bay: means the land covered by the CLA-P2.0 Particular Purpose Zone - Kangaroo Bay in Tasmanian Planning Scheme - Clarence.

landscape: means the full extent of land and water where there may be an effect, and includes natural landforms, waters and ecosystems, human settlement, and people's association with place.

Marina: means the land identified as Area B – Marina in Figure CLA-P2.1 Kangaroo Bay Local Areas in the Tasmanian Planning Scheme – Clarence.

passive surveillance: means the natural observation of the public realm and people going about their business. Observers may include other users of an area, passers-by, or people in nearby properties.

project site: the area described as the 'project location' in the Kangaroo Bay Hotel Major Project declaration.

publicly accessible space: publicly accessible but privately owned space within the project site.

surrounding area: means land that is near to, including adjoining, the project site and land beyond locality that is relevant to the issue being considered.

streetscape: means the visual quality of a street depicted by road width, street planting, characteristics and features, public utilities constructed within the road reserve, the setback of buildings and structures from the property boundaries, the quality, scale, bulk and design of buildings and structures fronting the road reserve.

use: as defined under the *Land Use Planning and Approvals Act 1993*.

Village: means the land identified as Area A - Village in Figure CLA-P2.1 Kangaroo Bay Local Areas in the Tasmanian Planning Scheme – Clarence.

Appendix A. Proposal plans and information

The MPIS is to contain site and locality plans, as well as plans and a written description of the proposed **use** and **development**. The documentation should be a consolidated set of information that enables the context of the **project site**, the locality, and the proposed **use** and **development** to be understood.

It is expected that the MPIS will address those matters identified within the assessment criteria as being matters to which the Panel may have regard.

The MPIS is to include (but not be limited to) the following plans and information.

All plans must be at a reasonable scale (1:100 or 1:200 at A3) and include a scale bar and north point.

The Project Site

Provide a site analysis and site plan(s) showing the following:

- the existing **use(s)** on the **project site**;
- recent high-resolution aerial imagery;
- the boundaries and dimensions of the **project site**;
- topography including contours showing Australian Height Datum (AHD) levels and major features on the **project site**;
- natural drainage lines, watercourses and wetlands on or adjacent to the **project site**;
- soil type;
- vegetation types and distribution including any known threatened species, and trees and vegetation;
- the location, capacity, and connection point of any existing site services and infrastructure (water, sewer, stormwater, electricity at a minimum);
- the location of existing easements on the **project site** or connected to the **project site**, and the extent of any land title adhesion or consolidation on the **project site**;
- existing pedestrian and vehicle access to the **project site**, including pedestrian and cycle paths;
- the location of any existing buildings on the **project site**;
- the location of existing nearby properties and buildings, and their **uses**;
- the location of any habitable room windows in nearby residential buildings; and
- any natural hazards that may affect **use** or **development** on the **project site**.

The Locality

Provide locality plans and locality context analysis, including maps and photos where appropriate, of the location of the proposed **use** or **development**, including:

- the **project site**;
- recent high-resolution aerial imagery;

- land tenure;
- land topography including contours showing AHD levels;
- significant **landscape** features;
- the extent and nature of existing vegetation and landscaping;
- natural drainage lines, watercourses and wetlands;
- the extent of any significant constraints such as contamination;
- the extent of any natural hazards such as **coastal inundation** and **flood**;
- existing land **uses** and dwellings, including the location of habitable rooms;
- public roads and the location and extent of publicly available car parking;
- above-ground utilities and infrastructure;
- existing below-ground utilities and infrastructure; and
- the location of recreational areas, walking tracks, cycle pathways, and pedestrian footpaths (including overpasses).

The Development

Provide detailed plans of the proposed **development** showing:

- the internal layout of each building on the **project site**, including the location, extent and type of proposed **uses**, and details of gross floor area, net lettable area, and the floor area of each separate **use**;
- any proposed open space (including private), common space, **publicly accessible space**, or facilities on the project site;
- external storage spaces;
- proposed roads, driveways, parking areas and footpaths within the **project site**, including dimensions, swept paths and sight lines and the like;
- the extent and nature of any works external to the **project site** including any works proposed in, on, or under the road reserve, public open space, or the timtumili minanya/River Derwent;
- major elevations and sections of every building to be erected;
- the relationship of the elevations to existing ground level, showing any proposed cut or fill, and including sections;
- a landscaping plan including the selected species and their projected habitat;
- any effects on the **landscape** character of the **surrounding area**;
- any vegetation to be removed;
- external lighting plans;
- signage details;
- shadow diagrams at the two equinoxes and two solstices of the proposed buildings and adjacent structures demonstrating the extent of shading of nearby residential private open spaces, external habitable room windows of residential buildings, and public open spaces; and
- materials, colours, and other finishing details, to be used on external structures.

The Design Response (Fitting In)

Provide detailed plans, including sections and elevations, maps, visualisations, photomontages and 3D imagery that show, illustrate and describe:

- where people experience the proposed **use** and **development** while moving, for example, while walking along Kangaroo Bay Drive towards the **Village** or from the **Village** towards the city centre at Rosny Park, the sequential visual experience is to be illustrated via fly-through animation;
- a visual analysis of the topographic character of the **surrounding area**, for example via longitudinal topographical sections through the surrounding hills and **Kangaroo Bay** showing the proposed **use** and **development** in relation to the surrounding buildings and topographic terrain;
- the visual impact on people residing in the **surrounding area**;
- viewshed analysis showing areas where the proposed **use** and **development** is visible, and the range and number of people that may be affected; and
- key sequential and static viewpoints and the overall significance of visual effects.

The plans will be guided by the processes and principles outlined in Guidelines for Landscape and Visual Assessment, third edition, 2013.

Show, illustrate and describe, how the proposed **development**:

- responds and contributes to its context and the surrounding **landscape** through such means as articulation, siting, materials, and colours;
- reinforces the physical contact and visual experience with water;
- treats the **Kangaroo Bay** waterfront as a continuous public space with an emphasis on safe, legible pedestrian movement and community access to the waterfront;
- has a compatible height, form and scale with the existing spatial and built form of the **surrounding area**;
- provides a built form that allows for visual transparency and permeability;
- allows for a visual connection with the timtumili minanya/River Derwent and kunanyi/Mount Wellington from the **surrounding area**;
- provides a considered design approach, sensitive to its waterside location and the maritime activities, being reflected in the colours and materials of the built and spatial form;
- provides any 'secondary spaces' on the **project site** that contribute to pedestrian usability and public benefit;
- provides frontages to the street and pedestrian areas that are active and legible in the wider **streetscape**;
- incorporates **Crime Prevention through Environmental Design** and prevents the creation of concealment and entrapment spaces; and
- clearly defines the public spaces and pedestrian accessways.

Appendix B. Guidance materials

Ask First: A guide to respecting indigenous heritage places and values, Australian Heritage Commission, 2002

https://www.wipo.int/export/sites/www/tk/en/databases/creative_heritage/docs/ask_first.pdf

Best Practice Erosion and Sediment Control: For Building and Construction Sites, Grant Witheridge, 2008

<https://www.austieca.com.au/publications/best-practice-erosion-and-sediment-control-bpesc-document>

Best Practice Guide 10.2 - Visual Simulations, New Zealand Institute of Landscape Architects, 2010

https://nzila.co.nz/media/uploads/2017_01/vissim_bpg102_lowfinal_gQFss9X.pdf

Draft Construction Noise Guideline, NSW EPA, 2020

<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/noise/20p2281-draft-construction-noise-guideline.pdf>

(sections on infrastructure construction)

Environmental Management Goals for Tasmanian Surface Waters: Derwent Estuary Catchment, Department of Primary Industries, Water and Environment Tasmania, December 2003

https://epa.tas.gov.au/documents/derwent_estuary_catchment.pdf

Erosion and Sediment Control: The Fundamentals for Development in Tasmania, Derwent Estuary Program and the Tamar Estuary and Esk Rivers Program, 2023

https://www.derwentestuary.org.au/assets/Best_practice_erosion_and_sediment_control_book.pdf

Guide to Traffic Management, Part 12: Integrated Transport Assessments for Developments, Austroads, 2020

<https://austroads.com.au/publications/traffic-management/agtm12>

Guidelines for Landscape and Visual Impact Assessment, Third Edition, The Landscape Institute, 2013

<https://www.landscapeinstitute.org/technical/glvia3-panel/>

Interim Engaging with First Nations People and Communities on Assessments and Approvals under Environment Protection and Biodiversity Conservation Act, Department of Climate Change, Energy, the Environment and Water, 1999

<https://www.dcceew.gov.au/environment/epbc/publications/engage-early>

Practice Note: cultural landscapes, Australia ICOMOS

<https://australia.icomos.org/wp-content/uploads/Burra-Charter-Practice-Note-Cultural-Landscapes-22.12.2022.pdf>

Practice Note: intangible cultural heritage and place, Australia ICOMOS

https://australia.icomos.org/wp-content/uploads/Practice-Note_Intangible-Cultural-Heritage-Place.pdf

Principles for Engagement in Projects Concerning Aboriginal and Torres Strait Islander Peoples, Australian Institute of Aboriginal and Torres Strait Islander Studies, 2020

<https://aiatsis.gov.au/publication/94687>

State Stormwater Strategy, Department of Primary Industries, Parks, Water, and Environment, 2010

https://epa.tas.gov.au/documents/state_stormwater_strategy_december_2010.pdf

Stormwater Management Procedure for New Development, Clarence City Council, 2021

<https://assets.ccc.tas.gov.au/uploads/2023/07/Stormwater-Management-Procedure-for-New-Development.pdf>

Tasmania Noise Measurement Procedures Manual, Department of Environment, Parks, Heritage and the Arts, July 2008

https://epa.tas.gov.au/Documents/Noise_Measurement_Procedures_Manual_2008.pdf

Tasmanian Stormwater Policy Guidance and Standards for Development, Derwent Estuary Program and Local Government Association of Tasmania, 2021

https://www.lgat.tas.gov.au/_data/assets/pdf_file/0018/1075311/Tasmanian-Stormwater-Policy-Guidance-and-Standards-1-December-2021-15MB.pdf

Technical Guidance for Water Quality Objectives (WQOs) Setting for Tasmania, Environment Protection Authority, August 2020

[https://epa.tas.gov.au/Documents/Technical%20Guidance%20for%20Water%20Quality%20Objectives%20\(WQOs\)%20Setting%20for%20Tasmania.pdf](https://epa.tas.gov.au/Documents/Technical%20Guidance%20for%20Water%20Quality%20Objectives%20(WQOs)%20Setting%20for%20Tasmania.pdf)

‘Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines’, Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022

https://nzila.co.nz/media/uploads/2022_09/Te_Tangi_a_te_Manu_Version_01_2022_.pdf

Traffic Impact Assessment Guidelines, Department of State Growth, August 2020

https://www.transport.tas.gov.au/_data/assets/pdf_file/0005/108491/TIA_Guidelines_-_PDF_Version.PDF

Water Quality Guidelines, ANZG, 2018

<https://www.waterquality.gov.au/anz-guidelines>

Water Sensitive Urban Design: Procedures for Stormwater Management, Derwent Estuary Program, 2012

https://www.derwentestuary.org.au/assets/Water_Sensitive_Urban_Design_Guidelines_01_Chapter_1_Introduction.pdf

Wetlands and Waterways Works Manual, Department of Primary Industries, Water and Environment, 2003

<https://nre.tas.gov.au/conservation/flora-of-tasmania/tasmanias-wetlands/wetlands-waterways-works-manual>

Appendix C. Guidance provided by participating regulators, agencies and landowners

The major project process consolidates the assessment of major projects under several pieces of legislation, and in some cases the permits that would have been issued.

The process provides for the regulators of the consolidated legislation to participate by providing the Panel advice.

For this project, the one participating regulator has provided feedback on matters for the assessment criteria. This takes the form of an assessment requirement notice, which details the matters the regulator requires to be included in the assessment criteria.

The participating regulator for this project is:

- The Chief Executive Officer of TasWater in relation to the infrastructure owned by the regulated entity and section 56O(1) of the *Water and Sewerage Industry Act 2008*.

TasWater as the only participating regulator has an advisory role, not a determining role.

The MPIS is required to address the assessment criteria. In doing this, the information that the MPIS contains is to be informed by the substance of the guidance provided by the participating regulator. The proponent should provide the information and level of detail that would have been required for the participating regulator to assess or determine matters under its specific Act. The level of detail provided should be appropriate to the level of significance of that issue for the major project. This ensures the MPIS provides an information base that enables the participating regulator to assess matters in accordance with their specific procedures. This will in turn enable the participating regulator to provide advice to the Panel in a timely and effective manner.

In addition, advice and representations have been received from councils, State Service Agencies and Tasmanian Government Businesses including:

- The Tasmanian Heritage Council
- Marine and Safety Tasmania
- The Tasmania Fire Service
- Homes Tasmania
- The Department of Treasury and Finance
- The Department of Health
- The Tasmania State Emergency Service
- The Department of Natural Resources and Environment Tasmania (Aboriginal Heritage Tasmania)
- Clarence City Council

These documents provide a range of advice, information and guidance that may also assist in addressing specific assessment criteria.

Some landowners in the area also provided feedback.

All assessment requirement notices, guidance on information and general feedback is available at the Commission's website:

<https://www.planning.tas.gov.au/assessments-and-hearings/current-assessments-and-hearings/kangaroo-bay-hotel-assessment-criteria>