
From: Michael & Anne Geard
Sent: Saturday, 1 February 2025 3:43 PM
To: TPC Enquiry
Subject: Representation for Draft Assessment Criteria: Major Project - Kangaroo Bay Hotel
REQ2024-106290

Tasmanian Planning Commission
Mr John Ramsay Executive Commissioner
Via email only: tpc@planning.tas.gov.au

Dear John,

I refer to your email of the 20th January 2025 with the invitation to provide comments in relation to the draft assessment criteria in the major project impact statement for the Kangaroo Bay Hotel project ("the Project").

From the outset the number one consideration should be "Who owns the land" on which this proposed Major Project is to be constructed. The panel would be aware there is a Supreme Court case still unresolved due to numerous extensions. The applicants for the Major Project status are contesting the validity of a contract they signed with Clarence Council whereby the land could be repurchased if the contract conditions were not complied with. Over 8 years, the project has not commenced and Council believes the conditions of their Sale and Development Agreement with Chambroad have not been met and so are endeavouring to complete repurchase of the land.

Over three or four designs have been made over the course of this eight year period and the latest flies in the face of everything espoused by Leigh Woolley when the Kangaroo Bay Urban Design Strategy and Concept Plan was being devised in 2008.

Included was the fact any buildings on the foreshore should not impede the view of the water/outlook by those further away. This building does the exact opposite in that it plans to have a four storey solid building extending along a significant part of the foreshore.

I encourage the panel to read the full report prepared by Mr Woolley in 2016 at the following link applying to the City of Hobart and consider similar principles should apply to Kangaroo Bay, which will be the link between the business district of Rosny Park to the business area of Bellerive Village.

"Hobart Interim Planning Scheme 2015

Central Business Zone

Height Standards - Performance Criteria Review"

[*psa-17-3-cbd-height-standards-review-report-l-woolley.pdf*](#)

Leigh Woolley Architect

Urban Design Consultant

December 31 2016

Connectivity:

The role of views providing 'line of sight' to the regional landscape from the centre of settlement, has been identified as inherent to Hobart's urban identity. Some of these central area vistas are well acknowledged but need to be formally recognised and 'scaled'. Connection to the regional landscape from the centre of the city, especially from pivotal locations in the city's development, are considered overdue. View Protection planes are recommended. The alignment between Hunter Island to the summit of Kunanyi, is suggested as an initial reference. In summary the key values that should also be considered when assessing buildings outside the Amenity Building Envelope include :

Townscape : The location, Containment, Enclosure Connectivity, Permeability, Intensity

Streetscape : Rhythm, Permeability, Protection, Enclosure

- *'Bulk' :*

The bulk of a building refers to its apparent massiveness compared to its surroundings. It may also depend on the amount of wall surface visible, especially when viewed from streets and other public environments.

Extremes in bulk, where buildings over-whelm other buildings, adjacent open spaces, block views, confuse natural landforms and impact the city's character, occurs when the prevailing horizontal dimensions of existing buildings in the area are exceeded.

Overscaled and slab form buildings with continuous walls can block light and outlook to streets and reduce the natural permeability of light between buildings (i.e. above the street wall).

To avoid excessive bulkiness it is appropriate to consider the existing scale of development and the effects of Central Hobart's topography in exposing buildings to views across the city. An effective way to ensure relatively slender construction is to apply a maximum diagonal dimension to tower forms above the street wall. Another is to apply the principle that bulk reduces as height increases.

'Design' :

Design considerations need to address the massing of a development within its urban block, not just the development on its 'site'. This will include whether a development reinforces the 'street wall' height and the predominant 'scale of enclosure' of Central Hobart streets.

*Considerations should also determine whether a proposal contributes a 'lightness of form' that is important to the overall shape and character of the city centre. **This means avoiding buildings that are massive and bulky that create a feeling of oppressiveness, blocking sunlight and views. It has been noted that height in itself does not define intensity, however height when combined with density provides for greater intensity of activity.***

Density therefore influences design , especially above the street wall. Additional elements to be considered, and emerging from this analysis, include the provision and scaled implementation of View alignments and View Protection Planes. These will reinforce individual view lines - where they are identified - to protect citywide and local views. The views recognise and celebrate natural (and built) landmarks that reinforce the location of the city, and contribute to the city centre skyline and urban form. They also assist connectivity and orientation - both features of Hobart's urban character.

Development scale :

D_ ' The proposed development reinforces the scale and form of the 'urban amphitheatre' as a progressive layering of rising ground, hills and ridges, progressively stepping back from the earlier cove outfall, its low ground and defining headlands'.

D_2 'The proposed development reinforces the urban form of Central Hobart as a compact city centre consolidating within the 'basin' behind the (Macquarie) 'ridge' and reclaimed 'floor', with an emphasis inclining west and north west.'

D_3 'The proposed development reinforces the compact urban form of the city centre by not being individually prominent, thus reinforcing the 'containment' provided by the urban amphitheatre. The proposal in reinforcing the compact urban form of the city centre acknowledges the amenity that derives from separate building forms that create a layered effect (with gaps between), when viewed from a distance.'

The BOLD in the snapshots of the report I have included above have been made by me to emphasise the inappropriateness of this proposed hotel building in Kangaroo Bay.

The preparation of the original document for the Kangaroo Bay Urban Design Strategy and Concept Plan 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.

In addition, all government bodies at State and local levels are required to give effect to a State Policy 'to ensure that a consistent and coordinated approach is maintained throughout the State' as set out in **S.5(1)(c) of the State Policies and Projects Act** and I draw your attention to the **State Coastal Policy**.

APPLICATION OF THE STATE COASTAL POLICY

This Policy applies to the Crown in all its capacities, in particular by force of ss.4 and 14 of the State Policies and Projects Act 1993 and s.63(2) of the Land Use Planning and Approvals Act 1993. Subject to contrary statutory provision, it also applies to statutory authorities.

Planning authorities are also required to give effect to this Policy as follows:

The State Coastal Policy applies to all of Tasmania, including all islands except for Macquarie Island which is subject to a special management regime. DEFINITIONS Coastal Zone Under the State Coastal Policy Validation Act 2003, a reference in the State Coastal Policy 1996 to the coastal zone is to be taken as a reference to State waters and to all land to a distance of one kilometre inland from the high-water mark.

The Act states that "State waters" has the same meaning as in the Living Marine Resources Management Act 1995.

*Opportunities for tourism development will be identified wherever strategic planning occurs for the coastal zone or any part of it. Tourism development will be located where there is environmental capacity and where **it does not significantly conflict with the natural and aesthetic qualities of the coastal zone.***

This tourism development having a prominent position within Clarence City Council and importantly the heart of Kangaroo Bay, most certainly does not fit within this definition and will be a hotel wall to those who live in the vicinity.

The development application provides a public walk way along the foreshore but how will this be enshrined in law, that it is maintained and the developer will not provide a floating walkway to ensure pedestrians/bicycle riders and animals are evicted from the existing walkway. The public's common right of access to and along the coast, from both land and water should be maintained and enhanced where it does not conflict with the protection of natural and cultural coastal values, health and safety and security requirements.

Will the Planning Panel insist, along the grounds of a Council, to ensure that there will be a coastal safety assessment for any new coastal development likely to attract people to the coast? Should the proposal receive your approval

developer contributions should be encouraged in respect to the costs of providing public access and safety services for the community and ensuring access by water vessels along the full area of Kangaroo Bay.

The Clarence Council has recently approved a further arm of the Bellerive Yacht Club marina to allow for the Government ferry service and the Bay is getting to the point where it is just a sea vessel parking area. Surely these approvals should be assessed under the provision of the State Coastal Policy.

The Council has also approved the construction of 86 apartments, shops and restaurants within 500 metres of this proposed development. If this project is allowed to proceed the area will become crowded and over developed, destroying the open space and amenity of the area.

This project has already been denied Major Project status by the Government Minister over 12 months ago and there has been no alterations to the project since then. There are multitudes of planning regulations which need to be assessed including parking, traffic and public safety and amenity etc to consider.

The declaration of a major project should be declined first so the Supreme Court case can be decided and the land returned to the public's ownership and secondly because it does not qualify as a major project and importantly is not in the best interests of the surrounding area.

Yours sincerely,

Michael Geard