

SULLIVANS COVE WATERFRONT AUTHORITY (REPEAL) BILL  (No. 35)


Second Reading

[11.47 a.m.]

[Mr GREEN](#) (Braddon - Minister for Planning - 2R) - [Mr Speaker](#), I move -

That the bill be now read the second time.

The purpose of the bill is to repeal the Sullivans Cove Waterfront Authority Act 2004 and return planning and development regulation in Sullivans Cove to the [Hobart City](#) Council.

This bill brings the winding up of the Sullivans Cove Waterfront Authority forward from 2015 to 31 August , or such later date as is proclaimed. The Sullivans Cove Waterfront Authority was established for a 10-year period in April 2005. It assumed responsibility for planning and other elements of development regulation that had, until that time, been carried out by the [Hobart City](#) Council.

The establishment of the authority was a way of focusing greater attention on the strategic development of Hobart's waterfront and promoting high-quality design outcomes in an area widely recognised as having very special characteristics. At the time the authority was established, a number of strategically important sites in Sullivans Cove were under-utilised. The introduction of the authority facilitated the strategic redevelopment of several of these sites and the realisation of high-quality design outcomes across the cove. During the life of the authority, major developments such as the redevelopment of Princes Wharf No. 1 shed into an events venue, and a new research and education facility for the [Institute of Marine](#) and Antarctic Studies - IMAS - on the Princes Wharf No. 2 site have been approved. Developments such as these have the capacity to bring more people to Sullivans Cove and invigorate wider investment and improvement in the area. I commend the authority for being a custodian of Sullivans Cove and ensuring that each new development has added value to this special place.

One of the cove's distinguishing characteristics is the way it continues to be used for a working port, yet at the same time it is a popular public space where people come to enjoy the waterfront. Deliberate intervention has been required to balance the operational needs of the port while accommodating use of Sullivans Cove as a public space for civic events and for people to gather.

The authority has worked closely with TasPorts on a program of public

space improvements for Franklin Wharf to establish a shared space that can accommodate all its various users. Though modest in scale, the improvements are a successful complement to the gradual but continual process of change in Sullivans Cove. They improve pedestrian amenity and safety, and retain the open quality of the wharf apron so it can be used not only as part of the working port but also for public events.

Sullivans Cove is close to the hearts of all Tasmanians and there has been a high level of interest in the authority since it commenced a little over six years ago. The authority has fulfilled its goal of giving greater design consideration to planning matters by having available to it an expert design panel. It has also provided wide opportunities for input into planning matters. These are not insignificant achievements.

Since the preparation of the Sullivans Cove Master Plan in 2010 by the State Architect in consultation with TasPorts, the [Hobart City](#) Council and other key stakeholders, the Government has agreed in-principle that planning and development regulation should be returned to the [Hobart City](#) Council. The master plan was needed to give overarching context to the future development of the cove. Now that it is completed, the Government and the public can have greater confidence that this iconic place will be developed in a strategic and sustainable way, allowing future generations of Tasmanians to appreciate and more fully utilise the cove. This Government recognises that the regulation of planning and development is essentially a local government function.

Over the last year, the council has commenced a substantial planning initiative to develop an inner city development plan which encompasses not only the city centre but also extends to the waterfront. The Government believes that it is vitally important for the city to be managed as a whole and for [Hobart](#) to establish planning and urban design goals that are commensurate with its capital city status.

This bill to repeal the Sullivans Cove Waterfront Authority Act 2004 will have the effect of returning planning and building regulation in Sullivans Cove to the [Hobart City](#) Council. Any minor matters of an administrative and practical nature will be agreed between me as Minister for Planning on behalf of the Government and the [Hobart City](#) Council in a memorandum of understanding. I commend the bill to the House.

[11.53 a.m.]

[Ms ARCHER](#) (Denison) - [Mr Speaker](#), I thank the Government and the Minister for bringing this on. It is probably about time.

[Mr Booth](#) - That's a change.

[Ms ARCHER](#) - It is a change, but I will not lull you into a false sense of security, because I have a fair bit to say on the topic. I will disclose at the outset that I was elected to [Hobart City](#) Council in 2007, but resigned upon my election to this House. There is a bit of history and background, of which I am well aware, thanks to my former aldermanic colleagues. There was a lot of ill feeling at the time this was done by the Labor Government. I will not go into any specifics, but my former colleagues thought it was very much a political manoeuvre. Having said that, however, the authority was set up with clear objectives and goals. Whether or not it has achieved all of those - it certainly has not achieved some of the outcomes - I am not entirely convinced that its actions were driven by the authority itself. We should not forget that the authority itself now costs the taxpayer \$1.855 million per annum. This was indicated in last year's Budget and the Forward Estimates. It is a very expensive authority. It sits outside local government, and largely duplicates what [Hobart City](#) Council was doing in any event, for a much lower rate. The members of that authority were remunerated, and I do not have a problem with that, but the number of applications they processed each year was significantly fewer than local councils put through, and I will address that issue in greater detail later in my contribution.

The Tasmanian Liberals have long held that the Sullivans Cove Waterfront Authority should be abolished. I note the member for Lyons, [Mr Morris](#), was also congratulating the minister on bringing this bill before the House today, so obviously the Greens have held that view for some time as well. We will be supporting this bill. I have a few questions that, rather than go to committee, I can probably ask the minister throughout my contribution, because they relate to a number of different clauses in the legislation. The same question applies, so it is probably best to put those to the minister throughout my contribution.

The Tasmanian Liberals held our policy to abolish the Sullivans Cove Waterfront Authority going into the last State election in March 2010, and I have also tabled motions in this House which would give effect to that policy. Had this legislation not come before the House, we would certainly have been debating this topic at some stage. The minister has already stated that the Sullivans Cove Waterfront Authority was created by legislation, by the Labor Government, in 2004 and, some would say, in spite of the [Hobart City](#) Council, at a time when the Lennon Labor Government had various political disagreements and public spats with the [Hobart City](#) Council. Those members of the House who were around at the time would probably be well aware of that history. In any event, the authority was created by this Parliament, and it had some stated

objectives, to which I will refer in a minute. This bill, however, brings about the winding up of the authority, and brings it forward from 2015, to 31 August this year. Had it been a raging success, I imagine we would have wanted the authority to continue, and we would not be debating this legislation today and the Liberals would not have held our policy that it should be abolished.

In my view, the authority has not been a success. It has cost taxpayers almost \$2 million per annum. We have not seen value for money in relation to the authority, and we are now at a time when our finances are in crisis and the Budget is due to be handed down today. The authority is an example of the Government throwing money at things that have been essentially ineffective and unnecessary for some years.

[Hobart City](#) Council previously dealt with the Sullivans Cove area, and is quite equipped to deal with it again. It has a number of planners on staff, for whom I have immense respect. In my time as an alderman on [Hobart City Council](#) I always found the planners to be experts in their areas and extremely professional. In my view now it is just totally unnecessary to have a separate authority, particularly when we have a situation where there is a concern - and I know this is a concern from businesses in the central business district and in Salamanca - that we almost have a disjointing of [Hobart](#). We have businesses in the city and in Salamanca and the big problem that we may face in future is that connectivity between the two so that the whole of the CBD area does not get taken from the CBD itself down to the waterfront but encompasses the waterfront. Of course we have challenges with transport and road infrastructure and how we achieve that.

There is much talk of the city becoming a more livable city but we cannot do that with a lack of vision. I feel that this Government has had a lack of vision for [Hobart](#) for some time. It is certainly not the fault of local government or even the authority. I think it is a lack of leadership from the Government and a lack of foresight or long-term plan to really be planning for these things in the city.

Of course that begs the question: where is our capital city strategy? I would not miss an opportunity to mention that to the minister again. There is an extreme concern from industry and from local government that that is not making any progress. Every time I meet with stakeholders the number one ticket item, along with planning reform of course, is lack of a capital city strategy, which of course we require for future infrastructure spending. I would hate to see us downgraded to a regional status because we do not have a capital city strategy.

[Mr Green](#) - Rest easy.

[Ms ARCHER](#) - Well you keep promising these things. We keep getting all these promises. For 13 years there was going to be planning reform. [Mr Kons](#) very nearly got there and then of course we all know what happened there. The people of [Tasmania](#) have been promised things forever in relation to planning. I can understand their scepticism and I can certainly understand industry's scepticism. They are still highly highly cynical of things eventuating and the capital city strategy is but one concern they have in that regard.


I note of course that the decisions of the authority, whether they are currently in the process or were due to be made, will be transferred over to [Hobart City](#) Council. I know that they would have a concern of course in relation to their future liability. No doubt they are obtaining some legal advice in relation to that, so I will not go into that in too great a detail. Suffice to say that one of my questions to the minister relates to who will have to foot the bill for the appeals process if it is in relation to a decision of Sullivans Cove Waterfront Authority that has since transferred to [Hobart City](#) Council? On the face of it it seems to be quite unfair that [Hobart City](#) Council would have to bear the costs of such an appeal, but given that everything is to be transferred to [Hobart City Council](#) I am sure that is being negotiated and discussed. I wonder if the minister could enlighten the House in relation to that issue?

It is certainly an issue that came to my mind after having looked at the report to council. It was not in a closed meeting; it is readily available to the public so I can of course refer to that report.

I want to touch on the track record of the Sullivans Cove Waterfront Authority. It is perhaps telling to look at what they achieved in the financial year 2009-10, remembering of course that it was set up as a planning authority. I am referring to their own website. It was set up as a planning authority under the Land Use Planning and Approvals Act and is responsible for the Sullivans Cove Planning Scheme 1997. Applications for planning permits can be made to the authority in much the same way as they were in the past to [Hobart City](#) Council. This is directly from the website itself. There is a lot of duplication there because the actual scheme that applied was in force since 1997, I think, and of course [Hobart City](#) Council were already administering that.

I will just go back to what I was going to refer to in relation to the Franklin Wharf improvements project. It is certainly something that I have raised publicly in the last 12 months, namely a painted pavement graphic treatment which highlighted the steam crane in the Franklin Wharf

area. The authority was also responsible for reducing the speed limit to 30 kilometres per hour across the wharf apron and of course they revised the car parking layout between the dock bridges to allow more generous walking space along the waters edge. They converted 18 permit car-parking spaces to short-term public parking and they repainted the Kings [Pier Marina](#) service structure. I have taken five things that are listed out of nine and I do not feel that is indicative of warranting the authority, certainly over its last few years.

The other interesting thing is that in its regulatory role a large component of the authority's workload consists of fulfilling its responsibilities as a planning authority and building and plumbing works, which are very basic building-block items that local government is well equipped to deal with. In the 12 months to 30  2010, the authority made only 48 planning determinations. In comparison, in the same year [Hobart City](#) Council made 997. I draw that comparison because I think it is quite indicative of the fact that we have been wasting money on an authority that we really do not need. I am glad that the Government has finally recognised this by repealing the authority four years earlier than they would have under the existing act. The authority also made 38 building determinations, of which 14 were temporary occupancy permits, 20 plumbing applications and six special plumbing permits. They also received 15 works applications to the [Tasmanian Heritage Council](#) under the Historic Cultural Heritage Act 1995.

It is not exactly an immense workload. In their own performance summary in their most recent annual report they also state that in 2008-09 the number of strategic planning projects initiated was nil, and in 2009-10 there was but one strategic planning project initiated. That is hardly something that warrants the existence of this authority, particularly when it was also set up to develop and implement strategic planning projects. It is an indictment over the last few years to initiate only one strategic planning project - not a great track record.

They also surveyed, and under the performance summary the results of the survey indicate that those who expressed satisfaction that the cove is being managed to maintain a working port, business confidence and a creative hub was 33 per cent, 39 per cent and 33 per cent respectively in relation to those three issues. Again, these are hardly high figures of satisfaction in relation to what is being carried out by the authority.

I want to address another issue which relates to the region of Sullivans Cove and that is the appalling new [Royal Hobart Hospital](#) project proposal that was initiated by, or was certainly a policy of, the Labor Government .

The State Opposition did not support locating a new [Royal Hobart Hospital](#) on a waterfront site. It was not in any way sympathetic to what is required or what is needed on our waterfront. It seemed to me that the Government were going to ram this through, come hell or high water and goodness knows what the decision could have been of the authority. Thank goodness it never got there. That proposed location was simply not appropriate for a hospital. At the time I was on the [Hobart City Council](#) and I know the Tasmanian Liberals at the time widely consulted the community and it was clear that the medical fraternity, the [Hobart City Council](#), businesses based at the [Hobart](#) port and in the CBD, including small businesses, the [Property Council](#) and the general [Hobart](#) community, all had reservations about the Government's preferred waterfront site. In fact, it really did spark a bitter public debate. Again, I express my gratitude that the public did join in that rage and made their voices heard because the Government was forced to abandon this basically silly idea, but not before it spent a figure in the vicinity of \$10 million. I mention that because, on top of the cost of the Sullivans Cove Authority, we had a project that did not end up proceeding, that this Government wasted \$10 million on. It is just another example of the waste that has occurred with this Labor Government, now joined by the Greens. They are implicit in the waste that has occurred in the last 12 months and prior to that, the Labor Government when it held majority government.

It is yet another example of how this Government cannot manage a project or consult properly or widely with the community. Building a new [Royal Hobart Hospital](#) was such a significant decision that Tasmanians not only had the right to express their views to the Government - and thank goodness they did - they had a right to be consulted. It was my view at the time that the consultation came far too late in the process. It was as though the Government had made a decision and then they were going to ram it down the throats of the public and say, this is what is happening and then try to convince everyone.

But the reservations were well-founded as evidenced by the fact that the project now has been abandoned. There are restrictions and those restrictions should be upheld when building on our waterfront. It is a heritage area. It is iconic. It is prime real estate to state the obvious. But there would have been a number of restrictions on any building there. There would have been height, shape and size restrictions and I would have hoped that they would have been enforced, but who knows? We now have legislation, of course, where something can be declared a project of either regional or State significance, and that was certainly a danger, that project could have been declared as such and it could have proceeded, therefore avoiding the usual planning scheme requirements.

But by trying to essentially shoe-horn a new hospital into the proposed site - not to mention a co-located private hospital - the Government risked building a hospital that would not adequately cater for the future needs in our health system.

The [Hobart](#) port is a working port and it is our strong view - and it has been my strong view for some time now, after consulting widely - that we must maintain the working port. One of the biggest objections people had, of course, was how a working port could sit alongside patients in a hospital who need to rest. That was probably the most farcical situation that we would have had out of this, aside from all of the expense and waste. It was something that the vast majority of people just could not understand; how Labor came up with such a silly idea to put a hospital on a waterfront where you have a working port. It indicated to a lot of people who have been involved in a working port and still have their businesses located there, that the very real risk was that the intention was that [Hobart](#) would not be maintained as a working port, and I think that that concern was very well-founded at the time.

[Mr Green](#) - Of course you are the fount of all knowledge.

[Ms ARCHER](#) - Thank you, Minister, I will take that as a compliment and I am sure you meant it that way. [Hobart](#) port is increasingly becoming the hub of Antarctic research with Australian, French and Russian Antarctic research vessels all using [Hobart](#) as a key base. [Hobart](#) currently has the capacity to be a major base, if not the major base for Antarctic and Southern Ocean research. This would have been jeopardised by whacking a hospital on the waterfront sitting alongside this sort of working port precinct.

As a general observation, locating a hospital on a waterfront was not consistent with an overall vision for the waterfront. When I looked through all of the goals and objectives and why Sullivans Cove Waterfront Authority was set up, nowhere could I find where any sane person at least would have decided that this would have been a good idea. Unfortunately people were cynical of the process and were cynical of the Government's intentions and I think rightly so because their actions -

[Mr Green](#) - You agree that it has to be somewhere around the CBD.

[Ms ARCHER](#) - But waterfront is not CBD, which brings me to the other main concern that businesses and the council had. It is legitimate, because let us face it, Hobartians and Tasmanians do not like walking a distance of a few kilometres. The Government's argument was farcical. They said, 'We'll have a shuttle bus service from the city.' People would not have

got on that and gone down to the hospital, or sorry, back up to the city to grab a sandwich. Businesses, and rightly so because it is a free market, would have set up around the hospital and they would have benefited, but to the detriment of what we already have in the CBD. You have to take those considerations into account. You always have to look at how a decision will impact on the local community and the businesses. There was never a socio-economic impact study done in relation to this development.

Members interjecting.

Madam DEPUTY [SPEAKER](#) - Order.

...

[Ms ARCHER](#) - Thank you, Minister, if I could just continue with my contribution.

Members interjecting.

Madam DEPUTY [SPEAKER](#) - The member has the call.

[Ms ARCHER](#) - Thank you, Madam Deputy [Speaker](#). It must not be forgotten that Labor's so-called consultation on the preferred site in the Sullivans Cove district really was a sham. I have stated before, the consultation happened far too late in the process. Consultation actually has to happen first otherwise people will not embrace having things forced on them. I am hoping the Government learned a valuable lesson from that, but certainly the fact that they cannot seem to manage any sort of project is probably indicative that they have not learned from that experience at all.

In fact, the Health minister at the time, the now [Premier](#), had to embark on an eleventh-hour consultation, rushing around having public forums. At [Hobart City](#) Council it was actually a motion of mine - I proposed and the council endorsed - that we hold a public forum, and we had hundreds of people turning up to that forum. There were not many people, in fact I do not think there were any people at that forum who embraced the idea of having a hospital on the waterfront. It really came too late in the process.

I have touched on the fact that it cost in the order of the vicinity of \$ 10 million to put together the [Royal Hobart Hospital](#) project team, I think it was called, and they had a nice website and no doubt all of the infrastructure that was required to house them, and it really was the most mammoth waste of taxpayer dollars that we have seen some for some time,

particularly when the whole process had to be abandoned, and there was absolutely nothing to show for it except egg on the face of the Labor Government at the time. The Premier's- hands are as dirty as anyone's in relation to this. She was Health minister at the time and it was her process. It failed. She failed to consult with the community. It is an absolute indictment of the way this Government goes about its so-called consultation with the community.

There was a well-founded fear at the time that any investigation of redevelopment on the existing hospital site may have been contrived to favour the decision that had already been made about the waterfront site. When Labor abandoned this project it blamed the global financial crisis - a common excuse being used at the moment. The budget crisis, of course, is caused solely by the GFC and the reduction in GST receipts, even though the previous budget forecast the same, if not lower, GST receipts. The present budget situation should come as absolutely no surprise to this Government. But they seem to be very good at blaming the global financial crisis for everything, and it was a really good excuse to abandon the failed idea of putting a hospital on the waterfront.

It was a period of great hypocrisy, because prior to the 2006 State Election the then Health Minister, [David Llewellyn](#), in response to suggestions of a new greenfield site, called it 'a massive waste of money' . At the time the minister, Lara [Giddings](#), said that to walk away from the current site when millions of dollars had been spent developing it was 'a wasteful and ridiculous policy'. Two years later the same minister, now the [Premier](#), contradicted herself by proposing to build a hospital on a risky site, without the clear support of the community. It was a period of absolute hypocrisy, and Tasmanians should not forget the waterfront site was proposed at a time when the Labor Government was under intense pressure to improve existing health services, and when the Government needed a big announcement to distract Tasmanians from a number of scandals involving government ministers, one being the TCC scandal which resulted in the Deputy [Premier](#), [Mr Green](#), being forced to resign and face serious criminal charges. The Government failed to mount a reasonable case for locating a new hospital in Hobart's working port precinct, and the Government has proven itself time and time again to be incapable of managing major projects.


The [Hobart City](#) Council was extremely disappointed when responsibility for the Sullivans Cove District was taken away. The actions of the Government at the time indicated their view that planning powers should be taken away from the council. But, they have since had a revolution, and now agree with our position that those powers should be returned to the council, if only to bring some cohesion to planning, as it fits -

[Mr Green](#) - I'm just looking at the clock. You are up to half an hour and you have not said one positive thing yet. I just wanted to see if you could squeeze something positive in by half past.

[Ms ARCHER](#) - We are not going to let you get away with an absolute sham of what -

[Mr Hidding](#) - We are not your cheer squad. You've got the Greens for that.

[Ms ARCHER](#) - Exactly. I am not going to stand up here and say 'Wow, wasn't the Sullivans Cove Waterfront Authority a great thing'. Although it was supported by this Parliament, and Parliament, in its wisdom, felt it was necessary at the time, it only resulted in duplication of what [Hobart City](#) Council can already achieve. It has the planners, it has the expertise, it is much lower cost. Ratepayers already pay a significant amount. Why should they, as taxpayers, pay for an authority that is simply not needed.

Despite all this, I know that the [Hobart City](#) Council has quite a good relationship with the staff at Sullivans Cove Waterfront Authority, because they have had to. They have had to work together. They have had to ensure their intentions for their respective areas are cohesive and that they have a common goal. Although responsibility for Sullivans Cove was taken away from [Hobart City](#) Council, they have learnt a valuable lesson in cooperation, and they are certainly prepared to take it back. I note, however, that a report to open council meeting indicated that an additional \$200 000 budget allocation for the -12 financial year has been proposed to cover the additional costs associated with fulfilling regulatory responsibilities for the Cove.

Now, \$200 000 in comparison to \$1.855 million - I think that is a bit of a no-brainer, is it not? It will cost the council only an extra \$200 000 to administer what has previously cost the taxpayer \$1.855 million per annum. On that basis, I congratulate the Government on coming to its senses. It will actually save some money - there is my positive comment, towards the end of my contribution.

[Mr Groom](#) – It's not wasting money.

[Ms ARCHER](#) - No, it is certainly not wasting money, but \$200 000 will impact on the budget of [Hobart City](#) Council. I go back to the question that I asked the minister earlier in my contribution - will the council be compensated? Will it be provided with the surplus funds after the authority has been wound up? How will it be compensated, for not only the running costs but also for the costs of any planning decision appeals?

People have a right to appeal, I am not disputing that, but there will be appeals against decisions made by the Sullivans Cove Waterfront Authority, and this bill passes the liability on to [Hobart City](#) Council. The minister will no doubt address those questions in his summing up of the bill.

Council is no doubt seeking some legal advice in relation to that issue, but this parliament needs to be aware of these issues in order to scrutinise the bill. I do not have a problem with any particular clause, other than my general queries about the passing of liability, because the [Hobart City](#) Council is taking on a significant liability.

It had no direct role in decisions made by the authority and could, in fact, have disagreed with those decisions, and yet they now become the entity that a person has an appeal right against.

I have consulted with the Director of Environmental Services, who has responsibility for the area of planning in [Hobart City](#) Council, as well the General Manager, to ensure they are happy to take on the role of the Authority. They are happy to do so, but with some reservations about the future liability they may have.

I will not require committee unless I am not satisfied with the minister's response, and I reserve the right to go to committee if I require it.

[12.30 p.m.]