



PARLIAMENT OF TASMANIA

PARLIAMENTARY STANDING COMMITTEE ON PUBLIC WORKS

Burnie Court Complex

*Presented to Her Excellency the Governor pursuant to the provisions of the
Public Works Committee Act 1914.*

Legislative Council

*Mr Valentine (Chair)
Ms Rattray (Deputy Chair)*

House of Assembly

*Ms Butler
Mr Ellis
Mr Tucker*

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1 INTRODUCTION

To Her Excellency the Honourable Barbara Baker AC, Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia.

MAY IT PLEASE YOUR EXCELLENCY

The Committee has investigated the following proposal:-

Burnie Court Complex

and now has the honour to present the Report to Your Excellency in accordance with the Public Works Committee Act 1914 (the Act).

2 BACKGROUND

- 2.1 This reference recommended the Committee approve the establishment of a new Burnie Court Complex (proposed Complex) to enhance the range and volume of justice services available to the community in the North West of Tasmania.
- 2.2 The current Burnie Court Complex (CBD Complex), located in the city's Central Business District (CBD), first opened in the 1970's and has not had any significant refurbishment or upgrade since this time. The CBD Complex is insufficient and not fit for purpose.
- 2.3 Building assessments have identified the following areas of concern with the CBD Complex:
 - Friable asbestos;
 - Safety and access issues for Judges, Magistrates and persons in custody;
 - Outdated and inefficient mechanical, hydraulic and electrical services;
 - Inefficient workflow standards;
 - Issues with public points of access; and
 - Non-compliant or partially compliant disability access and facilities.
- 2.4 The Magistrates Courts and Supreme Court within the current Court Complex currently face difficulties in effectively performing their required duties. The work for the Court Complex has increased in volume since the facilities inception, meaning the necessity of timely and just legal resolutions are now in substantial demand.
- 2.5 In July 2019 the Department of Justice (the Department) approved an upgrade to the CBD Complex. However, this space was deemed an unsafe location for an extensive redevelopment project to occur concurrently alongside daily court operations. The Department consequently investigated the validity of four potential options for upgrading Court facilities:
 - Maintaining the functioning capacity of the CBD Complex whilst the space was under construction;

- Decanting the Court to a temporary location while the CBD Complex was redeveloped;
- The development of an entirely new facility; and
- The provision of remote service delivery during the redevelopment of the CBD Complex.

The Department deemed the creation of a new facility to be the most appropriate course of action.

- 2.6 The proposed works are to be constructed at the University of Tasmania's (UTAS) current Mooreville Road campus, which will be vacated by the end of 2022. The Department has selected Building D, a former library block, as the suggested location for the proposed Complex.
- 2.7 The project is expected to run as a functional, fit-for- purpose, contemporary court facility for the Burnie community. The facility will feature civil and criminal court operations, with an expectation it will adapt to the changing justice requirements on the North West Coast into the future.
- 2.8 Central to the design of the proposed Complex will be the creation of an environment that exceeds the safety requirements for those employed in such a complex, as well as those attending Court. Furthermore, the facility will feature contemporary technological and building standards.
- 2.9 The proposed works are to include the following in the existing UTAS building:

Ground Floor

- Public reception area and foyer;
- Supreme Court transcribers room;
- Open plan registry area;
- Compactus and storage area for court proceedings;
- Registry staff breakout area;
- Magistrates chamber area with multi-floor access;
- Jurors' accommodation and deliberation areas;
- Large meeting spaces;
- Office space for Court staff members;
- New security accommodation (including weapons discharge room);
- Law library; and
- The provision of office and meeting space for community and legal support services.

Level 1

- Refurbished public lobby space;
- Allocation of transient legal spaces for Tasmanian Legal Aid, the Director of Public Prosecutions, Police Prosecutions and legal practitioner hot desking;
- Private and secure areas for protected and vulnerable witnesses;
- New security monitoring station;
- Meeting spaces; and
- New IT services room.

- 2.10 Provisions for café or food vendor facilities and associated seating for patrons has been incorporated in exterior space adjacent to the Ground Floor of the existing UTAS building.
- 2.11 Additionally, a new building will be constructed to house the following functional Court spaces:
- A new Supreme Court;
 - Supreme Court Judges' chambers;
 - Associate and Attendant offices;
 - Assigned jury space;
 - Evidence store;
 - Two new Magistrates Courts; and
 - Designated Magistrates lift.
- 2.12 The proposed works also include the construction of a dedicated Custody Centre for the transfer and day holdings of those in court. This Custody Centre will consist of the following areas:
- New secure vehicle sally port for the transportation of individuals in custody;
 - Secure firearms storage room;
 - Custody shower and toilet;
 - Custody processing area;
 - Central airlock and circulation space;
 - Five new holding cells with glazed fronts for added security;
 - Staff facility for the accommodation of transient Tasmania Prison Service staff; and
 - Connections to the main building via a secure walkway network.

3 PROJECT COSTS

- 3.1 Pursuant to the Message from Her Excellency the Governor-in-Council, the estimated cost of the work is \$40 million.

The following table details the current \$40 million cost estimates for the project:

Description	Sum
Consultancy cost	\$2,800,000
Construction costs	\$29,000,000
Construction/ Design contingency	\$2,800,000
Post- Occupancy Allowance	\$200,000
The Tasmanian Government Art Site Scheme	\$80,000
ICT infrastructure	\$1,200,000
Furniture and equipment	\$2,600,000
Project management and associated costs	\$1,320,000
PROJECT TOTAL	\$40,000, 000

4 EVIDENCE

- 4.1 The Committee commenced its inquiry on Tuesday, 14 December last with a site inspection of the proposed works. The Committee then returned to The Function Room, Cradle Coast Authority, Burnie, whereupon the following witnesses appeared, made the Statutory Declaration and were examined by the Committee in public:-

Witnesses for the Department:-

- Scott Curran, Director, Artas Architects;
- Mark Miller, Senior Associate, Artas Architects;
- Kristy Bourne, Deputy Secretary, Justice and Reform, Department of Justice; and
- Anthony Rees, Senior Project Manager, Strategic Infrastructure Projects, Department of Justice.

Public Witnesses:-

- Malcom Elliott;
- Steven Kons, Mayor, Burnie City Council;
- Ken Dorsey, Councillor, Burnie City Council;
- Ian Jones;
- Gerald Heathcote; and
- Des Hodgetts.

The following Committee Members were present:

- Hon Rob Valentine MLC (Chair);
- Hon Tania Rattray MLC (Deputy Chair);
- Ms Jen Butler MP; and
- Mr John Tucker MP.

Overview

- 4.2 Ms Bourne provided an overview of the proposed works:

Ms BOURNE - ...It is an opportunity, from the Department's point of view, to provide a contemporary court and justice facility that will address the current and significant functional and operational shortfalls of the existing facility in the Burnie CBD. Extensive consultation with all major stakeholders in developing the design, which commenced close to a year ago now and continues, will result in a modern Supreme and Magistrates court complex that will provide safe, simplified and improved access to justice for the north-west coast community.

As mentioned, this is a key priority for the Department of Justice in providing a facility that enables contemporary service delivery, improved access to justice and will enable the Department to take a long-term and whole-of-agency approach to providing justice services on the north-west coast. We hope to deliver a modern facility that will be economically and

environmentally sustainable and provide a safe, secure and humane environment for all users of the building including persons in custody.

Location

- 4.3 The proposed Mooreville Road site for the Burnie Court Complex was an important focus of many submissions and witnesses. The Committee asked the Department's witnesses to detail the selection process and criteria involved in the selection of the site proposed for the new facility:

CHAIR - ... Can you explain why the site in Mooreville Road was chosen for this particular development?

Ms BOURNE - Certainly. Courts have very specific requirements and a number of factors limit potential sites to be converted, for lack of a better word, into a court facility. As the Committee may be aware, the original Government commitment was to redevelop the existing CBD site. After some significant investigations into that site it was discovered there was a number of limitations on the use of that site, particularly redeveloping it to the extent required to develop that modern fit-for-purpose facility, and particularly the static friable asbestos that is on site. This confirmed that the complex was unable to proceed in that location in a safe manner while the building was occupied.

The Department undertook an exercise at that point in time to look at alternative options in the CBD for short-term use if we wanted to stay at the CBD site and decant to a temporary site, as well as an alternative option to redeveloping the CBD site. At that time in 2019, there were no suitable sites available, noting the requirements of a court and custody centre, and particularly some things we talked about earlier today around the controlled access to the site that many different court users need to have. That is quite limiting with regards to finding a site existing in the CBD that is fit for that purpose.

We reviewed a number of sites for lease which at the time were mostly co-occupied. We only considered properties that were on the market at that time, as we did not consider any sort of compulsory acquisition. In recognition of their independence, all courts have traditionally been on Crown land so that was, in many ways, a significant factor for us.

That process identified the site at Mooreville Road. The University had indicated through our property team that they were hoping to move away from that site, and that became an option that we considered as part of that process.

- 4.4 During the site visit to the current CBD Complex, the Committee had seen the extent to which significant redevelopment would be needed to contemporise the space. The Committee asked the Department's witnesses to discuss the assessment of this potential work and its impact upon the decision to propose an entire relocation of the Court Complex:

Mr TUCKER - ... Coming back to the original site where the courthouse is at the moment, can you elaborate on what we saw this morning when we looked at that site such as the limitations of redeveloping that site, including the solid walls, the weightbearing walls and the asbestos that is used through the building?...

Ms BOURNE - As we saw this morning the building in the current Burnie CBD opened in the early 1970s and has not had the benefit of any major upgrade or refurbishment since then. In summary, it is not fit for purpose and does not meet the essential functional and operational requirements of a modern court facility.

The structural form work creates some issues in terms of being able to undertake significant structural change to the building, given the manner in which things would need to be moved and the cost associated with that.

The security requirements at the moment, the flow of people, the separation of various court users and their amenity, and the access to all the facilities contained within that building by people who have accessibility limitations or disability is incredibly limited...

Mr REES - In addition to that, the current complex has a number of weightbearing solid walls that couldn't be moved. This limited the development improvement. Previously we had a design that fitted into that service but it wasn't ideal for what all the court users needed. The contamination, which is safe at the moment because we are continually monitoring it and making sure that while it is stable it is okay, would become a major issue for everyone if it was disturbed. The works going into decant would almost equal the value of the redevelopment price of the \$15 million.

Mr TUCKER - You mentioned earlier about the cost of doing that with the \$15 million that was budgeted to it. Can you explain more about that?

Mr REES - The initial advice on the decant option, which was a step down from the compartmentalised option of doing the work whilst in-situ, was that it could have been up to a 24-month decontamination and construction time and to find a temporary site for two to three years, depending on where the works were, would require fitting out a court for the purposes of a court, including a proper detention centre to maintain the standards, as well as the court standards.

4.5 The Committee asked the witnesses to further clarify the extent to which alternate sites for the proposed works had been, or continue to be, investigated:

CHAIR - Has anything become available since you started this process that you would consider suitable?

Ms BOURNE - Options have been put forward informally and, as you noted, in the media. For a project of this nature, to make sure that we do the stakeholder engagement correctly, there's a number of processes that we need to go through.

At the time we had a brief from Government to redevelop the Burnie Court, and we wanted to identify a site so we could progress the project. In 2019 Mooreville Road became available and we're progressing it, that's why we're here today.

Certainly, we're aware of other sites that people have suggested. We've done our own informal work to consider those sites in terms of their suitability, and we are yet to identify a site that, hypothetically, if it were to become available in the CBD, would meet our requirements, which are fairly extensive. Secure access for persons in custody is incredibly complex to manage. Ceiling heights for courtrooms often makes it difficult to refit certain buildings.

4.6 The Committee understood the proposed works had resulted in a significant level of community interest. The Department's witnesses were asked to what extent public consultation had been conducted throughout the development of the submission:

Ms BUTLER - Has there been any community consultation undertaken at all on the location?

Ms BOURNE - No community consultation on the location until we were at a point where we had a project that we can take to the community. We are very much aware that it is embedded in a community. The development application process provides an opportunity for community to participate in that process. However, it is the Department's intention that once we hopefully move through this process that we can start targeted consultation with residents who are nearby the court to talk them through the plans that we now have, which have only very recently been settled. Not wanting to pre-empt this process; that is our intention.

Ms BUTLER - And there will be, if this is successful, community consultation before the master strategy stage?

Ms BOURNE - Yes, absolutely. There needs to be a fair bit of water to go under the bridge until we get to that stage. Ideally, we need to have government support to progress any further opportunities that may be realised at that site. I would like to think that we can continue that dialogue with the community once, or if, we get through this particular aspect of the current project.

Ms BUTLER - My question is in relation to the suitability of other sites. Was that publicly advertised in an open process?

Ms BOURNE - No. Our property and procurement team undertook a CBD analysis, using inter-governmental channels - and forgive me Anthony, I forget the name of the interagency committee that exists around potential Crown land and existing state Government sites. So, it was not advertised as such, but it certainly was open in that the property and procurement team were liaising with and making inquiries with real estate agents, and other state agencies that have a presence in Burnie and other sites, to try to identify suitable premises.

Ms BUTLER - Is that a usual procurement process for a site as such?

Ms BOURNE - It wasn't a procurement process. It was, I guess, a general market analysis at the time, based on what may be available with existing stock, as opposed to finding a new greenfield site.

Ms BUTLER - So it wasn't ever publicly advertised of a particular site? That wasn't advertised at all?

Ms BOURNE - No.

Ms BUTLER - So the community was not consulted and the majority of the stakeholders were not consulted about the location? It was after the fact?

Ms BOURNE - It was after the fact, however, soon after the fact, and to make sure they had the opportunity to work through issues of concern to them to inform government around the Mooreville Road site. They provided key feedback to inform its development noting that, at that time, the Mooreville Road site was the only viable option to redevelop the Burnie Court complex. It provided an opportunity for us to progress this important piece of work, but those consultations commenced once that decision was made.

- 4.7 The Department supplied supplementary information after the hearing to address the Committees interest in the decision to relocate the CBD Complex. The Department reaffirmed their rationale in the selection of the Mooreville Road site:

The Department recognises that moving the existing court complex out of the Burnie CBD introduces a new location with some impact. However, the Department strongly believes the positives of the move far outweigh any perceived negatives in relation to developing a new modern contemporary court complex that will improve and future proof the administration of justice to the community in North West Tasmania. This is not uncommon in regional areas.¹

Design

- 4.8 The Committee was aware the CBD Complex was in close proximity to the Burnie Police Station, hence enabling a quick response time when necessary. The Committee asked the Department's witnesses to discuss if this closeness was necessary:

Ms RATTRAY - *It's been suggested that Tasmania Police services need to be very close to a court facility. Can you provide some explanation as to whether that's absolutely correct? Is it a requirement, or has that been considered with the proposed Mooreville Road site?*

Ms BOURNE - *... ... I can confirm it's not a necessity, but obviously it's incredibly helpful if you have police nearby for that quick response. They are a key stakeholder and we liaise with them frequently...*

... It's around making sure there are processes in place to provide access to Mooreville Road, and there are accoutrements and equipment on site, in the event that they need to attend in an emergency.

Our court security staff also have expanded powers, under recent amendments to their act, that enable them to take some action, if required...

Mr REES - *... ... The distance of response is a consideration that has been put forward by Tasmania Police. In that process, there's an understanding that police will be there as a witness, they will also be there as prosecution, and on other means of taking people into custody. So, primarily there will be a police presence at all times around the courts.*

As Kristy mentioned, the court operations or dock security was previously done by police in the courts. However, recent Government initiatives have required them to be removed. Police out of courts have been replaced by retired police officers, and they're also providing in-court security to assist the court operations officers in their processes under the security act.

So, there's a strong belief that there's enough presence there, other than for a major response, but there's always a patrolling divisional van or a vehicle out and around.

- 4.9 The Committee also sought information regarding disability access for the proposed works, as the CBD Complex was non-compliant or only partially compliant with modern disability access and facility standards:

Ms RATTRAY - *I'm interested in disability access - the existing facility compared to the proposed, new facility...*

Mr REES - *.... ... In the new redevelopment we are considering all options with the DDA [Disability Discrimination Act] that we can. We are going through processes and building designs to allow access for those who require not only ramped access but who are visually or hearing impaired to ensure people with most disabilities, if not all, can be catered for. If there*

¹ Department of Justice-Letter to PSCPW - Additional Information - Burnie Court Complex - 21 January 2022, p. 2.

is anything outside that area there's a policy platform that we'll work with the DDA consultant on to ensure that we are covered.

- 4.10 The Committee understood the construction of a new Custody Centre on the Mooreville Road site is a key element of the proposed works. The witnesses were asked to detail the standard of cells to be installed in the Centre for those in custody:

Ms BUTLER - *The standard to which cells are built changes frequently. They're constantly being upgraded. Will these be built to the standard right now - or, because it will be another two years before they're built, are we futureproofing them so we don't have to then upgrade?*

Mr MILLER - *The Department has completed an upgrade of the cells at Launceston Supreme Court, which is the model they're currently comfortable with. We think they're quite a spacious area. They have a seat and toilet facilities, and that's the direction we're heading at the moment. We've allowed five cells to cater, as Anthony I think stated earlier, for juveniles, for a person with a disability, or for multiple people...*

Ms BUTLER - *Will the design of those cells eliminate the opportunity for conversation between people, between cells? We were talking about that this morning when we were looking at the existing site.*

Mr REES - *I won't say totally eliminate, because of some of the observation requirements. Using polycarbonate, or jail glass fronts, will allow them to potentially see each other as they're moving around, and allow for the staff to make sure they're safe and secure in their time of confinement.*

Most of the talking will be eliminated, but it won't be able to stop people yelling and so on, because it is an actual operational area, and it requires a space for correctional and police staff to actually maintain control and security of the offender, should that be required.

Legal spaces

- 4.11 The current CBD Complex houses the Burnie Supreme Court and Magistrates Courts. Additionally, a number of legal services are present or in close proximity to the Complex, including Tasmania Legal Aid, the Director of Public Prosecutions and Police Prosecutions. The submission from the Department details that the proposed Mooreville Road site has the potential for further growth to expand access to these and other legal spaces at the Courts proposed new location. The Committee sought clarification surrounding the presence of these legal spaces in the current project and its connection to potential expansion in the future:

Ms BUTLER - *On page 11 it states:*

The Mooreville Road site will address many of the issues currently faced by the Magistrates Court and Supreme Court in Burnie. It will also improve access to services in order to support the court processes.

Can you explain what that means?

Ms BOURNE - *Sure. Access to services refers to the provision of legal services. So, those provided by Office of Director of Public Prosecutions (DPP), Legal Aid, private practitioners and defence counsel. Also, services provided by Community Corrections and other youth justice support services, or non-government support services, to people either appearing in court or support persons. Providing them with a dedicated space in the current design to sit*

themselves for the time they are in court with appropriate amenity, such as desks, printing facilities, kitchenette, toilets, and those sorts of things.

Ms BUTLER - ... It is still not clear whether the current services that surround the current Magistrates Court are going to relocate near the project site - Legal Aid, the DPP, other solicitors, other legal requirements. Are they are going to be close by or three kilometres away?

Ms BOURNE - They have a dedicated space in the current court design, desks for them to work from during the day. Regarding discussions around a permanent presence, moving their offices to the site, from an internal perspective we had informal discussions with certain services. That would be part of the work that we hope to do on the future expansion of the site. In the current design there is a more extensive hub for court support services, particularly legal practitioners, to work from in the day. Currently some services are located directly across the road from the existing site. We need to make sure they have their own comfortable space on-site that they can work from, where they can see clients, take instructions and spend as much time as they need.

Ms BOURNE - As we touched upon and have discussed a bit today, that opportunity to create a justice precinct is one that Mooreville Road provides us. It wasn't a determining factor in identifying Mooreville Road as a suitable site but it gives us the opportunity to future-proof the services that we need for the North West coast.

Masterplan

- 4.12 The Committee was made aware during the hearing of the potential exploration of a master planning process by the Department of Justice:

Ms BOURNE - ...One of the benefits of the site is that it provides flexibility to undertake a master planning process. If this project was to proceed, it would provide opportunities for other justice and support services to be based from the site. The additional buildings give us the opportunity to do that, and even account for additional tribunal space, now that we have the Tasmanian Civil and Administrative Tribunal on board. If the needs of the court continue to grow another courtroom can be added on. It has been factored into the design for future needs. It can be added on to the side to make the most of the footprint at the site.

The Committee asked for further clarification on the status of the potential 'Master Plan':

CHAIR- You mentioned a Master Plan. Has that been formally put through a planning process or is this just a thought bubble? Can you give us an understanding as to how far that has gone?

Ms BOURNE - Sure. It's very preliminary stages. We don't want to pre-empt the outcome of this process or the development application and other processes along the way; but certainly, acquiring the site, we are starting the preliminary work internally within the Department to consider how we can best put a case to Government for the future expansion of the Department of Justice's presence on that site - noting the benefits it can bring to our own services, other services that are provided to the court and potentially external providers.

CHAIR - Is there any intention to take that out to the public for comment?

Ms BOURNE - I suspect absolutely. We are a long way off that point. We need to convince Government that it is viable, and then we would follow all proper processes in terms of potential use for those existing additional buildings.

- 4.13 As a result of the suggestion of a 'Master Plan' the Committee sought additional information from the Department after the hearing in relation to its implementation in the future. The Department provided the following response:

There is no requirement for the development of a master plan beyond the development site at this stage. However, given there is additional space and other buildings currently on the Mooreville Road site that will become available, the Department intends to conduct a further planning exercise to determine what other opportunities might exist to co-locate other organisations on the site that could complement the new courts complex. This planning will also include formally engaging with the Commonwealth Government around the potential to build Federal law courts on the site. It is also worth noting that the current arrangements for the existing buildings at the Mooreville Road site include continued occupancy by the Tasmanian Institute of Agriculture Research until at least the end of 2022 and the Department is mindful of working with the University to ensure their needs can be met over the next few years.²

Security and safety measures

- 4.14 Court precincts demand a high level of security to ensure the safety of those who work at or attend the location. The Committee sought to understand the extent of proactive safety precautions taken in the formation of the proposed works:

CHAIR - *For clarity on that fence line, because there will be people wondering where that fence runs from and to, when we visited there today we came down the road and there was a significant car park on the right. That fence is not fencing that off. This is further down the road, is that correct?*

Mr REES - *Yes, that's correct. The security compound more or less starts at the bottom of the road before it goes through the group of trees that are at the end of the road. The road will turn around and run up the tree line, for instance.*

CHAIR - *That is a new road?*

Mr REES - *New road, new development and a change of a couple of car parks in that area. The fence will run along the edge covering up the turning compound and into the back end of the custody centre to ensure that no one can get to the sally port, or the entrance of where the vehicles go in for the purposes of dropping off and/or picking up people who are in custody.*

CHAIR - *The judges and magistrates and jurors, obviously all people who need protection from time to time, how are you managing to ensure that on this new site?*

Mr REES - *That, again, is in the same security entrance with the controlled gate. However, the justices and the magistrates will go to a secure compound, for want of a better term, where their cars will be in a further secure and covered area.*

The jury will only be in a parking area once they're empanelled and they're sitting as part of an empanelled jury, not just attending for jury service. The car parks are there to provide security and support for those who are currently providing that service to the community as a jury member. They will be incorporated with some of the registrars and administrators as well as the staff in that security compound.

² Department of Justice-Letter to PSCPW - Additional Information - Burnie Court Complex - 21 January 2022, pp. 3-4.

Accessibility to the site

- 4.15 The Committee noted the central location of the CBD Complex allowed those attending the court to easily access the facility, including through public transport routes. With the works to situate the proposed Complex outside of the Burnie CBD, the Committee wished to understand the level of accessibility to the proposed new location:

CHAIR - Public access via public transport: can you outline how you might have gone about looking at that aspect to make sure that it will be an accessible site for people - and what facilities and the like might be around that site, to help support it. Could you cover those sorts of things?

Ms BOURNE - Absolutely. We have recognised the need to make sure that people can access the site. Part of the traffic impact on the site will be managed, and is being managed, as part of the development application.

Certainly, we have had discussions with Metro, and we'll continue those discussions with the Department of State Growth, which ultimately manages those services, to ensure there is a consistent and reliable service.

At the moment, the bus stop is located outside the Court, and I think runs approximately every 20 minutes between the court and the CBD, albeit taking about 15 minutes to get into the CBD. Also, car parking is obviously a significant consideration. The project has to make sure there is secure parking for the judiciary, magistrates and staff, but also ample accessible parking for members of the public, and people appearing before the court.

- 4.16 In a supplementary submission, the Department provided the Committee with additional information regarding the level of access offered to the Mooreville Road site via public transport:

The Department is aware that, by moving the existing court complex out of the Burnie CBD, some people needing to attend the courts who are reliant on public transport may be required to take an additional mode of transport from the CBD to the proposed site. Public transport already operates to, and stops along Mooreville Road, and the Government has committed to increasing bus services to the Mooreville Road site post construction, including a dedicated express bus during the hours required.³

Amenities

- 4.17 The witnesses were also asked to discuss the extent to which amenities and facilities for those visiting the proposed Burnie Court Complex would be available:

CHAIR - Facilities for those attending court: we talk about amenities such as cafeterias, and the like, and people being able to get coffees. How is that intended to be addressed, bearing in mind that in the city they have access to a lot, but they might not there.

Ms BOURNE - Absolutely. It has been a very relevant and topical discussion as part of the stakeholder consultations that we have had to date. There are very mixed views, taking into account the need, or desire, to provide amenities for court users - and balancing that need against security and the risk-requirements of having a facility frequented by a number of people and the provision of things like hot water, utensils and the like. It is an area that we

³ Department of Justice-Letter to PSCPW - Additional Information - Burnie Court Complex - 21 January 2022, p. 3.

continue to work through in terms of how we can potentially provide an interim option for some light refreshments for people.

Ideally, the site gives us the flexibility to create a justice precinct. If it was to attract, subject to funding and further work, other services based at Mooreville Road, it would be the perfect opportunity to create a fit-for-purpose café.

It is a balance between making sure people are comfortable without them spending extended periods of time at a court facility. There is literature from other jurisdictions and the views of some judicial officers that it is a Catch 22 situation - you do not necessarily want to provide an incentive for people to stay around longer than they need to but you need to provide them with the facilities people need when they may be there for a period of time.

Ms BUTLER - Will there be any amenities such as convenience stores or cafes, or somewhere for people to be able to get a drink or something to eat, or somewhere for them to sit outside, as part of the design of the project?

Mr REES - The amenities of sitting outside and sitting in the public area inside the courts, yes. There will be seating but limited obviously because we need to maintain a security process under some of the security advice we've been given. The cafe, or a shop venue, is not part of this process as discussed previously but is something that may have been talked about in that master planning process. But for this project, no, there is no cafe or shop in this build.

Ms BUTLER - The reason why I ask is because I don't think there is anything within the vicinity and you have 50 000 people, as a base, who will be using that every year and people do stay for significant amounts of times at court. Even when we were speaking to the magistrate this morning, she stated that sometimes they have to say to people, 'Can you come back in three hours' time' or half an hour's time, or 'can you hang around?' Will you be able to cater for that, as there are no real shops or places for people to sit for long periods of time?

Mr REES - That is a good point the magistrate has raised with the current location of the CBD. Catering for it directly, no.

- 4.18 The Committee subsequently received additional information from the Department regarding the question of amenities at the location of the proposed works. The Department established a preliminary plan for the inclusion of a café/canteen exterior or adjacent to the proposed Complex:

... preliminary option for a potential location for a café/canteen, customer seating and a storage area for the provider, allowing for a walk-in/walk-out lease model to be established at the site that will provide a great opportunity for a new business to establish on the site. The inclusion of a café on site is supported by both the Chief Justice and Chief Magistrate, and the preliminary plan is currently being considered by the Project Control Group overseeing the project...

As discussed during the PSCPW's [Parliamentary Standing Committee on Public Works] site visit and public hearing, some judicial officers indicated that the holding and distribution of hot beverages and cutlery on site may pose a security risk. This was when the original design had an internal cafe. To address any safety and security issues, the proposed location of the café/canteen is now close, however external to, the courts building...

... locating the café/canteen outside of the secure court building could allow the café/canteen to potentially operate outside of court hours, increasing the flexibility of the service that an operator could provide (ie to cater for staff when they arrive at work rather than only when the courts building is 'open')

... While this turnover will be varied, the Department considers this demand volume is low to medium and is confident the proposed design of the café/canteen will be sufficient to meet this demand over the course of a normal sitting day. Further, it is envisaged the cafe will operate like many other small cafes, serving coffee/drink customers quickly, and equally, the food items will be limited to comply with public health requirements for such a facility (eg, sandwiches, toasties, sushi etc) where there is not a full restaurant kitchen.⁴

Use of public funds

- 4.19 A key function of the Public Works Committee is to determine if proposed references are a good use of public funds. The Committee hence asked the Department's witnesses to detail the cost projections for the Burnie Court Complex:

Ms RATTRAY - I have a question around the funding. This initial project was cited as \$15 million. Now it's \$40 million. We have to be satisfied that public funds are being used appropriately. Can we have some idea of why we would need to spend, if this was the case, \$40 million on repurposing a building that was only new in 2009? It is quite new.

Ms BOURNE - A number of factors. The original \$15 million allocation was for the refurbishment of the current CBD, which, as we have discussed, was not able to be achieved for a number of reasons.

The construction of core and secure custody facilities is traditionally more expensive than an office fit-out, given requirements around circulation of key court-users, secure elements, securer areas to prevent the flow of traffic into areas that certain users shouldn't be in.

Also, current consultant advice regarding the construction market at the current point-in-time, including the effects of COVID-19, and construction stimulus that we have talked about before, show that the market impact is around 20 per cent to 40 per cent above market estimations, growing annually at around 7 per cent.

It was through the development of identifying another site and what those requirements would be, that we identified that additional funding would be required.

...

Mr REES - The uniqueness of courts and custody settings is required to keep everyone separate for the administration of justice. It adds a bit of complexity, to not only the design process but also the expense. Just to put it into perspective, the 2013 figures for a redevelopment were \$17 million at the current site and, for a green-field site at that point-in-time, was \$37 million. That was excluding the acquisition of final purchasing of property for those purposes.

The increase of going through and getting the \$15 million original funding, then the exercise we are doing with Mooreville Road to provide the services similar to the current court, as well as the improvement for a contemporary environment, we believe is quite sound, from the consultant's advice.

Bearing in mind, the \$40 million, as a component of construction, which is about \$29 million of construction, the remainder is in consulting, contingency, and project management costs.

Opposition to the proposal

- 4.20 In response to the invitation for public submissions to the proposed works, the Committee received contributions from members of the public concerned with the matter. Of the submissions received on the Burnie Court Complex, all, save the Department's own submission on this Reference, expressed opposition to the development. The major concerns of those opposed to the proposed works covered the following themes:

⁴ Department of Justice-Letter to PSCPW - Additional Information - Burnie Court Complex - 21 January 2022, pp. 1-2.

- the location of the Mooreville Road site in a residential area;
- a potentially flawed planning process;
- difficulty of access to the new site; and
- the impact of the relocation upon the Burnie CBD.

4.21 Evidence on each of these concerns was received by the Committee in the form of written submissions and verbal evidence at the hearing. While each giving independent submissions, the witnesses utilised similar evidence which has henceforth been synthesised below.

Location of Mooreville Road

4.22 The Committee received a significant quantity of evidence which opposed the location of the proposed works on Mooreville Road. This argument suggested that situating a court complex in the residential suburb is inappropriate given its close proximity to the Burnie Primary School, the TasTAFE Burnie campus, a local church and an approved housing development which will see additional properties built in the area.

4.23 Appearing before the Committee hearing, Burnie City Councillor Mr Ken Dorsey informed the Committee of community reservations surrounding the location of the proposed Burnie Court Complex:

Mr DORSEY - ... We [the Burnie City Council] recently approved a 70-home subdivision. Half of that site is going to go to a 70-home subdivision right below it. So, we are not isolating the court, we are putting it more into residential areas. It is illogical. And they are talking about gun discharge areas in a residential area.

The church spoke to our Council the other night and said, 'We are not interested. Why would they build it next to a church? I said, 'I can't tell you.' We just said, 'It's a decision by the state government.'

The Burnie Primary School is directly across in Van Diemens Crescent. With the 70 new houses that are going in there - and there are 50 new houses below that - there's 120 houses. The school is not big enough to accommodate that now. It's the perfect educational precinct. It's an arty and an educational precinct. Why would you change that?

4.24 Mr Ian Jones, on behalf of Business Northwest, added:

Mr JONES - ... it is out of alignment with the general area of Mooreville Road, which is an education and residential precinct.

4.25 Mr Andrew Boyd suggested in his physical submission the depth of community concerns for local residents:

Mr BOYD - The proposed site is in the heart of West Burnie, a family orientated community that would be gravely affected by this proposal if it was to go ahead.

4.26 The evidence submitted concerning the residential location of the proposed works also extended to the nature of the environment and the conduct of the Burnie

Court Complex. Mr Dorsey raised concerns in relation to the effects of security measures upon the Mooreville Road community:

Mr DORSEY - Now they're talking about chain-linked fences, gun-discharge areas, increased security - and you want to put that in the neighbourhood where the school, the church, the TAFE and the college are. That makes no sense.

Planning process

- 4.27 The Committee received significant evidence at the Committee hearing relating to the planning and selection process the Department undertook to establish the Mooreville Road site as the location for the proposed works. This evidence focused on the absence of clear community consultation and suggested a lack of thorough investigation into alternative sites. Mr Jones synthesised this thread of evidence, stating at the Committee hearing that:

Mr JONES - We [Business Northwest] do not believe that sufficient consideration was given to the location. There was insufficient consultation.

- 4.28 Burnie City Council Mayor Steve Kons, at the Committee hearing, further submitted that:

Mr KONS - ... I believe there are alternative sites, but that has to be tested in the market. That is where this committee would be doing a great justice to the public of Tasmania, to see that \$40 million is spent of processes undergone properly, rather than a Department saying that we reckon nothing is available because it wasn't on, as Ken said, www.realestate.com.au.

...

... .. Good governance means that extensive consultation occurs before a project is committed and a site chosen. This Department has chosen to pick a site and say that we have done extensive consultation after we have told the people, that is where it is happening. Unfortunately, that did not happen.

- 4.29 Mr Des Hodgetts addressed the hearing to discuss the conduct and cost of the land procurement process:

Mr HODGETTS - The Department undertook a procurement process for a design that essentially brought back some optioneering and the option said that there wasn't something suitable in the CBD and the proposal was to go to the Mooreville Road site. At that point was the opportunity for community consultation. They had an options paper that clearly identified the reasons they wanted to be going somewhere else. That is the time they should have been undertaking the community consultation. They had spent \$340 000 at that point. They had a report that would have given them all the feedback that they liked, would have brought all the options around and the two gentlemen that I've never met before, I understand they own some properties. I add further that the old Metro Cinema that is right behind the police station is around 1300 square metres. There are three properties directly adjacent to that that are empty which would provide immediately, on the back of the police station, this sort of area that is required for this facility.

- 4.30 The potential availability of alternative site locations for the proposed Complex was addressed in a significant quantity of public submissions. In his evidence at the

Committee hearing, Mr Gerald Heathcote presented one such alternative, in the form of his own land:

Mr HODGETTS - ... I can say to the Government that I could deliver them 7000 square metres next to the current Police Station within three months. I have not been consulted. I have made efforts, but at this stage, nothing has come back to me...

... Obviously expressions of interests is the way to go, and without doubt, I would put in a submission. We are talking about 7000 square metres here, next to the current Police Station, which would take away the need for secure lockup, and all sorts of things.

- 4.31 In his submission to the Committee Hearing, Mr Dorsey addressed the potential planning process which would be undertaken by the Burnie City Council, if the Committee was to approve the proposed Complex. The Committee heard the evidence as presented:

Mr DORSEY - I am just guessing, if you guys approve this, it will meet the provisions of the planning scheme. It will come to Council, there will be numerous objections to it. I would suggest that our Council would vote unanimously against it. It will go to the planning tribunal, it will get passed.

While the Public Works Committee is not a Planning Authority under the Land Use Planning and Approvals Act (LUPAA) and clearly does not make its decisions under that Act, nor has the capacity to interfere with or override any decisions made under that Act, the Committee understood the importance of the decisions made under LUPAA to the Burnie City Council and the North West community. Decision-making procedures under LUPAA are a matter for the various jurisdictions to have carriage of under that Act. Under the LUPAA process there would be an opportunity for public submissions either in support of, or in opposition to, the development

Access to the proposed works

- 4.32 The Committee received significant concern regarding the level of accessibility to the proposed works on Mooreville Road. Mr Jones presented to the Committee a clear summarising view of these projected difficulties:

Mr JONES - There will be extra public transport requirements for disadvantaged people. If people are coming from outside of Burnie, they would need to take a bus to Burnie. With the current court location, they would walk one block and be at the court. With the relocation, they would need to catch a second bus up to the Mooreville Road facility. There is extra cost and extra time.

TAFE and Hellyer College students will also need to share public transport with people coming to or leaving the court, and may be subject to abuse and harassment.

Impact on Burnie CBD

- 4.33 The Committee was presented with two threads of evidence in relation to the removal of the Court facilities from the CBD - firstly, the suggestion of a lack of CBD continuity due to the relocation of the facility and secondly, the potential financial and community effects on trade in the CBD following the relocation of the Court Complex.

- 4.34 In his written submission Mr Malcom Elliott presented an analysis of the Burnie Court Complex in relation to the Cradle Coast Land Use Planning Framework to the Committee. While the Public Works Committee is not a Planning Authority under the aforementioned LUPAA, Mr Elliott did highlight the effects of the relocation upon the CBD, addressing the Committees legislative duty to establish if the proposed works offer the best solution to a community need:

Mr ELLIOTT - The proposed location of the new Burnie Court complex in Mooreville Road, away from the existing Burnie CBD, is clearly contrary to the policy requirements of the Cradle Coast Land Use Planning Framework in that it does not place an emphasis on consolidating the existing commercial centre or aggregation of like businesses and services; fragments the existing CBD activities centre; and fails to build on the established centre by moving key employment services away from the CBD when policy is to avoid decline of primary centres, does not co-locate related services, does not protect the viability of the existing CBD.

- 4.35 In his submission to the Committee hearing, Mr Hodgetts effectively summarised the second thread of evidence, being of the position that the removal of the Court facilities from the CBD would hinder business welfare:

Mr HODGETTS - A significant planning consideration is about bringing people into the CBD. A loss of 50 000 people out of the CBD is not just a loss of those 50 000 people. It is the loss of the jobs for all the people in cafes and other things that retailers rely on bringing those people into the city.

That is going to have a really significant impact on the city. Fragmentation of any city is really difficult.

Department response

- 4.36 The Committee asked the Department witnesses to respond to the evidence submitted by other witnesses regarding the planning and community consultation processes of the proposed works:

Ms BOURNE - The Department is aware, particularly through the media, of the potential availability of sites based on individual knowledge of those sites. In 2019 when we undertook that comprehensive process to consider what was available, we did not identify suitable sites based on the needs we had then and still have now. Obviously that was in 2019 so I just wanted to confirm and make the point that since then the project has had to proceed.

All of our existing courts are on Crown land. I note that our existing courts are also in established precincts where there is a great deal of foot traffic and a mix of residential purpose as well but clearly not to the extent that the proposed site at Mooreville Road is.

We don't seek to pre-empt the planning process but we are very much aware of the process that this project needs to follow and continue to engage in good faith with those processes. We look forward to progressing to the next stage. That process involved discussions with building owners as to what may be available and may suit our needs. I reiterate the consultative processes we have established, including the stakeholder reference group which meets every three months. We hope that stakeholders who are represented on those stakeholder reference groups who have made submissions here today continue to engage openly with those processes so that certain concerns that weren't on the Department's radar before today are fed through those processes.

Council is represented on that process. Ideally we'd like that engagement to continue because it hasn't raised those issues raised today in their submission. We want to continue to engage in good faith as we proceed through this process.

CHAIR - Are you saying the matters the Council has raised in the past differ from what you heard today?

Ms BOURNE - Some new ones. Concerns about moving from the CBD are not in any way new. We have a stakeholder reference group and that is by no means the only opportunity for consultation but it is a forum through which these issues can be raised and we can try to address them in good faith to the extent that we are able. Some of the matters raised today were not on the Department's radar. That is the usefulness of this process for our benefit too, to continue to work through those issues.

Number of People Attending the Burnie Court

4.37 In attempting to assess the impact on the Burnie CBD and the need for amenities at the new site the Committee sought information on the number of people that access the current Burnie Court facility:

Ms BUTLER - How many people frequent, on an annual basis, the existing court house?

Ms BOURNE - Through you Chair, if it is okay, we will need to take that on notice to get as accurate a figure as possible. The approximate figure I have is about 50 000 Tasmanians rely on access to courts in Burnie. We can confirm that and see if there is more definitive data that we can share with the committee.

CHAIR - Is it likely to be thousands either side of that?

Mr REES - We do not think it's going to be a huge change. When we are talking about the access to justice it is not only appearing in court, it is using the registry of the courts and providing and submitting the documentation. A lot of people think that it is primarily attending a court for a purpose of either a civil or criminal matter, but it is also other documentary requirements that it serves.

CHAIR - That figure wouldn't incorporate people coming in support of those people who are going to the court?

Mr REES - No, my understanding of these figures is they are services provided through the registry and into attending courts. That is why we want to take it on notice, to confirm those.

4.38 The Department subsequently provided the following information:

The Department can confirm that the approximate attendance figures for the Burnie Court submitted to the Committee on the 14th (50,000) includes all visitors to the courts who are either attending for a purpose associated with civil or criminal matters, to obtain and file legal documentation, have a document signed by a Justice of the Peace, tours of the facility by school and community groups, or attending to support persons attending for any of the above. Noting COVID has affected the number of people attending.⁵

⁵ Department of Justice-Response to Questions on Notice - Burnie Court Complex Redevelopment - 22 December 2021, page 1.

Staff, court users and support people attending the Burnie courts, on average, range from 50 to 350 per sitting day.⁶

Does the Project Meet Identified Needs and Provide Value for Money?

4.39 In assessing any proposed public work, the Committee seeks assurance that each project is a good use of public funds and meets identified needs in the community. The Chair questioned Ms Bourne, who confirmed that the proposed works were addressing an identified need in the community which was to be met through the appropriate use of public funds:

CHAIR - ... Do the proposed works meet an identified need or needs or solve a recognised problem?

Ms BOURNE - Yes.

CHAIR - Are the proposed works the best solution to meet identified needs or solve a recognised problem within the allocated budget?

Ms BOURNE - Yes.

CHAIR - Are the proposed works fit for purpose?

Ms BOURNE - Yes.

CHAIR - Do the proposed works provide value for money?

Ms BOURNE - Yes.

CHAIR - Are the proposed works a good use of public funds?

Ms BOURNE - Yes, they are.

⁶ Department of Justice-Letter to PSCPW - Additional Information - Burnie Court Complex - 21 January 2022, page 2.

5 DOCUMENTS TAKEN INTO EVIDENCE

5.1 The following documents were taken into evidence and considered by the Committee:

- *Burnie Court Complex Mooreville Road Redevelopment*, submission to the Parliamentary Standing Committee on Public Works, Department of Justice, December 2021
- Appendix A730 – A01 Artistic Impression;
- Appendix A710- A01 Site Plan;
- Appendix A710- A01 Ground Floor Plan;
- Appendix A711 – A01 First Floor Plan;
- Burnie Court Complex submission from Graham Simpson, 6 December 2021;
- Burnie Court Complex submission from Alison Cruickshank, Simpson, 18 December 2021;
- Burnie Court Complex submission from Andrew Boyd, 6 December 2021;
- Burnie Court Complex submission from Ian Jones, 6 December 2021;
- Burnie Court Complex submission from Malcom Elliott, December 2021;
- Burnie Court Complex submission from Steven Kons, 25 November 2021;
- Burnie Court Complex submission from Suzanne Simpson, 6 December 2021;
- Burnie Court Complex submission from Ken Dorsey, 24 November 2021;
- Burnie Court Complex supplementary submission from Ian Jones, December 2021.
- Department of Justice-Response to Questions on Notice - Burnie Court Complex Redevelopment - 22 December 2021;
- Department of Justice - Revision of Plans Mooreville Road- 7 January 2022;
- Department of Justice-Letter to PSCPW - Additional Information - Burnie Court Complex - 21 January 2022; and
- Department of Justice-A705-Sk01 SITE PLAN - FOOD VENDOR OPTION.

6 CONCLUSION AND RECOMMENDATION

- 6.1 The Committee gave careful consideration to the propositions of the proponents of the Burnie Court Complex and of those opposing the proposed works. Arguments were well made, leading the Committee to return to the fulfilment of its statutory obligations. The Public Works Committee Act states that when addressing a proposal for a public work, the project must meet the stated purpose of the works; the necessity or advisability of carrying the works out; and the present and prospective public value of the work.

Stated purpose of the works

- 6.2 The Committee is satisfied that the proposed works will provide a facility that fulfils the stated purpose; being the provision of justice services to the community in the North West of Tasmania. The proposed works will provide a functional contemporary and fit-for-purpose court facility.
- 6.3 While of the clear view that the proposed works will meet their stated purpose, the Committee understood the breadth of submissions which raised concerns in relation to on-site amenities and facilities for those attending the new Burnie Court Complex for any given reason. The Committee notes the Department's additional information regarding provisional arrangements for the inclusion of an external café/cafeteria space would go some way to address this concern.

Necessity of carrying the works out

- 6.4 The Committee is satisfied the proposed Burnie Court Complex will meet the need for a new justice precinct in the region. The current CBD Complex is no longer fit for purpose, having received no major upgrades since opening in the 1970s. Over-time the volume of court appearances has increased in the region, meaning a contemporary court facility is necessary to meet the demand.

The Committee is of the clear view the current location of the CBD Complex was an inappropriate site for the level of work necessitated to establish a contemporary court complex. The existing CBD Complex presents logistical difficulties for construction work, both in the level of work needed and the functionality of the Court throughout the process. The relocation of the CBD Complex from its dilapidated location is considered a necessary public work.

The Committee notes the submissions opposing the proposed location of the new Court Complex, including its removal from the CBD, while maintaining the relocation of Court facilities from their current site was necessary to ensure the establishment of a contemporary facility.

Present and prospective public value of the work

- 6.5 The Committee is of the belief the proposed works will provide a functional, contemporary and technologically sound Court Complex of future value to the Burnie and wider North West community. The proposed works will enhance the efficiency of Court processes by the provision of a purpose built facility to cater for the evolving needs and safety concerns of those attending or working within the Court Complex.

Recommendation

- 6.6 The majority of the Committee is of the view the proposed works, in their prescribed functional purpose, hold a necessary value to the Burnie community.
- 6.7 Accordingly, the Committee recommends the Burnie Court Complex, at an estimated cost of \$40 million, in accordance with the documentation submitted.

A handwritten signature in blue ink, appearing to read 'Rob Valentine', with a stylized flourish extending to the right.

**Parliament House
Hobart
16 February 2022**

**Hon Rob Valentine MLC
Chair**

7 DIVISIONS

7.1 In accordance with section 8(2) of the Act, the following Divisions were recorded:-

7.2 On the Question being proposed – That the Committee approves the Burnie Court Complex reference in accordance with the plans and specifications submitted;

The Committee divided.

AYES (3)

NOES (2)

Mr Ellis
Ms Rattray
Mr Tucker

Ms Butler
Mr Valentine

7.3 On the Question being proposed – That Chapter 6, “Conclusion and Recommendation”, as amended, stand part of the Report;

The Committee divided.

AYES (3)

NOES (2)

Mr Ellis
Ms Rattray
Mr Tucker

Ms Butler
Mr Valentine

8. DISSENTING STATEMENTS

Hon. Rob Valentine MLC

- 8.1 The Honourable Member for Hobart, Mr Valentine, voted against the inclusion of the “Conclusion and Recommendation” in the Committee’s report.
- 8.2 Mr Valentine provided the following Dissenting Statement:-

1. Assessment of a Reference to the Public Works Committee

In assessing any Reference, the Public Works Committee (the Committee) is constrained by an Act of Parliament - namely the Public Works Committee Act (1914).

The Act, in Section 15 *Functions of the Committee*, states:

(2) In considering and reporting on any work, the Committee shall have regard to –

- (a) the stated purpose thereof;*
- (b) the necessity or advisability of carrying it out; and where the work purports to be of a reproductive or revenue producing character, the amount of revenue which it may reasonably be expected to produce; and*
- (c) the present and prospective public value of the work –*

and generally the Committee shall in all cases take such measures and procure such information as may enable them to inform or satisfy Parliament as to the expedience of carrying out the work.

2. Recommendation to which the dissent relates

This Dissenting Report relates to the majority determination of the Committee at Section 6.6 and 6.7 in the principal report above and is copied below for convenience –

- 6.6 *The majority of the Committee is of the view the proposed works, in their prescribed functional purpose, hold a necessary value to the Burnie community.*
- 6.7 *Accordingly the Committee recommends the Burnie Court Complex, at an estimated cost of \$40 million, in accordance with the documentation submitted.’*

3. Dissenting Statement

The need for a new Court Complex for the Burnie Region is not at all in question. A tour of the present facility, along with detail provided in the submission by the Department of Justice (the Department) on the Reference

(new Court Complex), provides ample evidence of this need. It is indeed well overdue.

The Public Works Committee is not a Planning Authority under the Land Use Planning and Approvals Act (LUPAA) and does not make its decisions under that Act. It is however the role of the Committee to assess a submitted Reference from the Governor in the context of its purpose, its necessity or advisability to be carried out, its present and prospective public value, to decide whether it is expedient to progress the work and, consequently, report its recommendation to Parliament.

The main point of contention with the Recommendation in the principle report above is with the siting of the proposal in a suburban/residential location away from the Central Business District (CBD) of Burnie, as it clouds the determination that ‘the proposed works, in their prescribed functional purpose, hold a necessary value to the Burnie community’.

The ‘*necessary value to the Burnie Community*’, and therefore the prospective public value of the work, as required to be determined under Section 15(2)(c) of the Act, is difficult to fully resolve at this time. This is due to the following aspects.

1. Lack of Community Consultation

In this particular instance, in reviewing the choice of the site, while there has been consultation with various stakeholders, there has been no real community conversation to gauge the level of general or immediate local community acceptance of such a regional facility being placed in their suburban environment.

Given the desire of the Department for the placement of other related services in that same location in the future, as indicated in their evidence to the Committee, the need for such community consultation is even greater. Consequently, in the longer term, total visitation per annum may be some thousands more than the Department’s current estimated level of 50,000 to the current site in the CBD. Clearly there are a many considerations to be made when contemplating the impact of such wholesale visitation in the suburban context.

The resulting level of public disquiet around this proposal since the proposed site has been revealed, is evidentiary, through media reports and submissions to the Committee.

The aspects above strengthen the case for further consultation with the general and immediately impacted community.

On the whole, it is a premature decision to be going to a Development Application (DA) stage under LUPAA, knowing the DA is but one

component of a broader, unresolved picture, thinking the opportunity that particular process offers for submissions is in some way sufficient consultation.

2. Lack of Strategic and Masterplan

A piecemeal approach to facility and services development may overcome certain planning hurdles but may also cause a higher level of community angst. Such a fragmented approach to strategic planning, for what is the seed of a much larger vision that could have significant consequences for both the CBD and the local community in which it is to be sited, also clouds the determination of public value.

A fully consulted and resolved masterplan that has community backing and demonstrates the full extent of facilities and services on the chosen site, would also have aided assessing that overall public value of the work.

A point in question is the fact that visitors will have little dining or activity choices that a more central CBD location would provide in the event of any delays or re-scheduling of hearing times that may occur on the day of their scheduled visit. While a cafeteria facility has been added to the plan for use by visitors, after the Committee requested further information in that regard, indicates the lack of critical thought in relation to the needs of visitors when strategically planning the placement of such a facility in a suburban environment, clouding once again the assessment of the public value of the work.

In evidence received from the Department, the process of developing a masterplan is in its infancy, yet the Reference has been brought forward to this Committee prior to such a masterplan being fully resolved and will no doubt be shortly dealt with under LUPAA.

3. Broad Strategic Land Use Planning

It is considered, for the Department to further demonstrate there is public value in their infrastructure development, due regard should be paid to broad strategic land use planning for the region and ensure any infrastructure developments are not in themselves discordant with those land use frameworks.

Given the observations provided by a witness, Mr Malcolm Elliott, on how, in his opinion the development fails to meet many of the principles in the Cradle Coast Regional Land Use Framework (a statutory planning instrument to be regarded through the LUPAA DA process), it is clear there are many questions yet to be answered as to how discordant the development may be in that regard. This also clouds the full assessment of the public value of the work in that broader context.

Again, without a well resolved and approved strategic masterplan that is demonstrably aligned to such a land use framework, granting approval for this Reference and progressing to the DA stage is considered premature.

4. Lack of an Economic Impact Assessment

In relation to the placement of the proposed Court Complex away from the CBD of Burnie and into the suburbs, it would be reasonable to think an Economic Impact Assessment would be undertaken, demonstrating the benefits or detriments of this decentralising move of what is a very significant public facility. No such assessment has been undertaken.

There are many aspects to the possible economic consequences of moving such a major facility to a suburban environment. Having that assessment would certainly aid in determining the public value of the development.

Conclusion

Given the above observations, recommending the Reference is premature and is therefore considered not to be expedient to be carried out at this point in time. The Reference is not supported.



**Parliament House
Hobart
17 February 2022**

Hon Rob Valentine MLC

Ms Jen Butler MP

- 8.3 The Honourable Member for Lyons, Ms Butler, voted against the inclusion of the “Conclusion and Recommendation” in the Committee’s report.
- 8.4 Ms Butler provided the following Dissenting Statement:-

The project should be rejected as being:-

1. Does not meet the stated purpose of the works.

Evidence overwhelmingly proclaimed moving the Burnie Courthouse from the Burnie Central Business District (CBD) would lead to economic dysfunction and social fragmentation.

Evidence showed limited research by the Department of Justice property and procurement team to source an alternative site within the Burnie CBD. No procurement or publically advertised search was undertaken. This limited the scope of sourcing an alternative CBD location.

The team presented no data, fiscal or social to substantiate relocating the Courthouse three kilometres from the Burnie CBD to Mooreville Road.

2. Does not provide present and prospective public value of the work.

The evidence provided indicated that there has been no community consultation of the Burnie Courthouse relocation to Mooreville Road. The overwhelming weight of public evidence indicates community rejection of the project.

Legal professionals are currently located within walking distance from the current Burnie Courthouse. Evidence provided to the committee indicated there is not a Master Plan to develop a legal precinct to support the new site at this stage. Unfortunately, most legal professionals and supporting services will be required to relocate nearer to Mooreville Road.

Tasmania Police are currently located in the Burnie CBD and will be required to drive to the Mooreville Road site for regular and emergency purposes. This additional risk has not been addressed.

Evidence indicates that all consultation was undertaken after the Mooreville Road site was selected. This brash approach to stakeholder engagement is bereft of process and real engagement.

3. The project is not an appropriate or prudent use of public money.

The total project cost of \$40,000.000 for the renovation and refit of an existing dwelling is exorbitant.

An estimated 50,000 people rely on access to the existing Burnie Courthouse annually. The Department of Justice has not undertaken modelling to measure

the economic and social impact on the Burnie CBD. The lack of evidence brought forth as to the economic impact upon the Burnie CBD is reckless and short sighted.

The proposed Mooreville Road site is a residential area and has limited amenities that cannot support the 50,000 additional people that the project would bring to the area.



**Parliament House
Hobart
18 February 2022**

Ms Jen Butler MP