



# CITY OF HOBART MINUTES

OPEN PORTION  
TUESDAY, 9 FEBRUARY 2021  
AT 5:05 PM  
COUNCIL CHAMBER, TOWN HALL

This meeting of the Council was conducted in accordance with a Notice issued by the Premier on 3 April 2020 under section 18 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.



---

## **ORDER OF BUSINESS**

---

### **PRESENT, APOLOGIES AND LEAVE OF ABSENCE**

<b>1. CONFIRMATION OF MINUTES.....</b>	<b>3</b>
<b>2. TRANSFER OF AGENDA ITEMS.....</b>	<b>4</b>
<b>3. COMMUNICATION FROM THE CHAIRMAN.....</b>	<b>4</b>
<b>4. NOTIFICATION OF COUNCIL WORKSHOPS.....</b>	<b>4</b>
<b>5. PUBLIC QUESTION TIME .....</b>	<b>4</b>
<b>6. PETITIONS .....</b>	<b>4</b>
<b>7. CONSIDERATION OF SUPPLEMENTARY ITEMS .....</b>	<b>4</b>
<b>8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST .....</b>	<b>5</b>
<b>REPORTS OF COMMITTEE.....</b>	<b>5</b>

### **CITY PLANNING COMMITTEE**

<b>9. COUNCIL ACTING AS PLANNING AUTHORITY.....</b>	<b>5</b>
9.1 53/1 Collins Street, Hobart and Common Land of Parent Title - Change of Use to Visitor Accommodation .....	5
<b>10. Tasmanian Planning Scheme - Draft Local Provisions Schedule     - Additional Inclusions .....</b>	<b>10</b>

### **MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

<b>11. Housing Supply Planning Provisions.....</b>	<b>11</b>
<b>12. CLOSED PORTION OF THE MEETING.....</b>	<b>16</b>

**PRESENT:**

The Lord Mayor Reynolds Councillor A M Reynolds, the Deputy Lord Mayor Councillor H Burnet, Aldermen M Zucco, J R Briscoe, Dr P T Sexton, D C Thomas, Councillor W F Harvey, Alderman S Behrakis, Councillors M S C Dutta, Z E Sherlock and W N S Coats.

**APOLOGIES:**

Nil.

**LEAVE OF ABSENCE:**

Councillor J Ewin.

Alderman Behrakis left the meeting at 6.03pm, returning at 6.04pm.

Councillor Sherlock left the meeting at 6.45pm, returning at 6.47pm.

Councillor Dutta left the meeting at 6.49pm, returning at 6.53pm.

## **1. CONFIRMATION OF MINUTES**

---

The Chairman reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Wednesday, 27 January 2021](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

BURNET  
DUTTA

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Briscoe  
Sexton  
Thomas  
Harvey  
Behrakis  
Dutta  
Sherlock  
Coats

The minutes were signed.

## **2. TRANSFER OF AGENDA ITEMS**

---

Are there any items, which the meeting believes, should be transferred from this agenda to the closed agenda or from the closed agenda to the open agenda, in accordance with the procedures allowed under Section 15 of the *Local Government (Meeting Procedures) Regulations 2015*?

No items were transferred.

## **3. COMMUNICATION FROM THE CHAIRMAN**

---

No communication was received.

## **4. NOTIFICATION OF COUNCIL WORKSHOPS**

---

In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the General Manager reports that no Council workshops have been conducted since the last ordinary meeting of the Council.

## **5. PUBLIC QUESTION TIME**

---

No questions were received.

## **6. PETITIONS**

---

No petitions were received.

## **7. CONSIDERATION OF SUPPLEMENTARY ITEMS**

---

Ref: Part 2, Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*.

### **RECOMMENDATION**

That the Council resolve to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2015*.

No supplementary items were received.

## **8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST**

Ref: Part 2, Regulation 8(7) of the *Local Government (Meeting Procedures) Regulations 2015*.

Elected members are requested to indicate where they may have any pecuniary or conflicts of interest in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Council has resolved to deal with.

No interest was indicated.

## **REPORTS OF COMMITTEE**

### **CITY PLANNING COMMITTEE**

## **9. COUNCIL ACTING AS PLANNING AUTHORITY**

In accordance with the provisions of Part 2 Regulation 25 of the *Local Government (Meeting Procedures) Regulations 2015*, the intention of the Council to act as a planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted.

In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under this heading on the agenda, inclusive of any supplementary items.

The Council is reminded that in order to comply with Regulation 25(2), the General Manager is to ensure that the reasons for a decision by a Council or Council Committee acting as a planning authority are recorded in the minutes.

### **9.1 53/1 Collins Street, Hobart and Common Land of Parent Title - Change of Use to Visitor Accommodation PLN-20-762 - File Ref: F21/9532**

Ref: Special Open [CPC 3.1.1](#), 9/02/2021  
Application Expiry Date: 25 February 2021

BURNET  
DUTTA

That pursuant to *Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes* Clause 3.3 (e), the Council refuse the application for Change of Use to Visitor Accommodation at 53/1 Collins Street, Hobart for the following reasons:

- (a) The proposal does not satisfy sub clause (vi) because there is an unreasonable impact on the amenity of the long term residents of 1 Collins Street.

MOTION LOST

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Zucco
Deputy Lord Mayor Burnet	Briscoe
Harvey	Sexton
Dutta	Thomas
Sherlock	Behrakis
	Ewin
	Coats

BRISCOE  
BEHRAKIS

That the recommendation contained in the officer's report marked as item 3.1.1 of the Special Open City Planning Committee meeting of 9 February 2021 be adopted with the inclusion of the following clauses:

PLN s1

The permit is valid only for the use of the premises by Robert Gregory Easter. Use of the site by any another person and/or organisation shall not be permitted without further approval of the Council.

PLN s2

The use may be carried out for a maximum of two years from the commencement of the use and after that date, the use must cease.

PLN 18

5. To provide a contact number in the case of issues that require resolution.

BURNET  
HARVEY

That Councillor Dutta be granted an additional one minute to address the meeting.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Briscoe  
Sexton  
Thomas  
Harvey  
Behrakis  
Dutta  
Sherlock  
Coats

MOTION CARRIED

VOTING RECORD

AYES

NOES

Zucco  
Briscoe  
Sexton  
Thomas  
Behrakis  
Ewin  
Coats

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Harvey  
Dutta  
Sherlock

**COUNCIL RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for change of use to visitor accommodation, at 53/1 Collins Street, Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-20-762 - 53/1 COLLINS STREET HOBART TAS 7000 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 18

Prior to the commencement of the approved use, a management plan for the operation of the visitor accommodation must be submitted and approved, to the satisfaction of the Council's Director City Planning. The management plan must include measures to limit, manage and mitigate unreasonable impacts upon the amenity of long term residents. These measures must include, but are not limited to, the following requirements:

1. To limit, manage, and mitigate noise generated as a result of the visitor accommodation.
2. To limit, manage, and mitigate behavioural issues caused as a result of the visitor accommodation.
3. To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.
4. To specify the maximum permitted occupancy of the visitor accommodation.
5. To provide a contact number in the case of issues that require resolution.

Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation. In the event that the property is sold, the management plan must be updated within 14 days of the transfer of ownership.

Reason for condition

To ensure that visitor accommodation does not cause an unreasonable loss of residential amenity.

PLN s1

The permit is valid only for the use of the premises by Robert Gregory Easter. Use of the site by any another person and/or organisation shall not be permitted without further approval of the Council.

PLN s2

The use may be carried out for a maximum of two years from the commencement of the use and after that date, the use must cease.



## ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's [website](#) for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

## BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016*. Click [here](#) for more information.

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

## VISITOR ACCOMMODATION

More information on visitor accommodation, including when building approval is required, can be found [here](#).

In all cases, check with your insurance company that you have adequate cover.

If you are in a bushfire prone area there may be a need to create/review the Bushfire Management Hazard Plan for your property.

If you have a spa or a pool at your property then you are required to test for microbiological quality and chemical parameters on a monthly basis, under the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2715.

If you are providing food for consumption on the property, you may require a food business registration in accordance with the Food Act 2003. Click [here](#) for more information, or call our Environmental Health team on 6238 2715.

You are encouraged to have in place a management plan for the operation of the visitor accommodation. The management plan should include measures to limit, manage and mitigate unreasonable impacts upon the amenity of permanent residents, including addressing issues like noise, waste management, customer behaviour, security, and maximum occupancy.

Visitor accommodation is also considered to be a commercial use and also not eligible to residential parking permits. Under the current policy for the issuing of residential parking permits, the proposed change of use to visitor accommodation would not entitle the property to a residential parking permit, or a transferable "bed and breakfast" parking permit.

**10. Tasmanian Planning Scheme - Draft Local Provisions Schedule - Additional Inclusions**  
**File Ref: F20/134820**

---

Ref: Open [CPC 8.1](#), 1/02/2021

- That:
1. The Council resolves that it is satisfied that the changes to the draft Hobart Local Provisions Schedule as shown in Attachments A to G to item 8.1 of the Open City Planning Committee agenda of 1 February 2021, meets the Local Provisions Schedule criteria prescribed in Section 34 of the *Land Use Planning and Approvals Act 1993*.
  2. The Council endorses the changes to the draft Hobart Local Provisions Schedule for submission to the Tasmanian Planning Commission under Section 35(1) of the *Land Use Planning and Approvals Act 1993*.
  3. The Council endorses the notification of individual property owners affected by the extent of the Flood Prone Areas Hazard Code overlay when the draft Hobart Local Provisions Schedule is exhibited.

BURNET  
HARVEY

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Briscoe  
Sexton  
Thomas  
Harvey  
Behrakis  
Dutta  
Sherlock  
Coats

**MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

**IN ACCORDANCE WITH REGULATION 16(5) OF THE LOCAL GOVERNMENT  
(MEETING PROCEDURES) REGULATIONS 2015**

**11. Housing Supply Planning Provisions**  
**File Ref: F21/6641; 13-1-9**

---

Ref: Open [CPC 9.1](#), 1/02/2021

Motion:

- “(a) That a report be prepared on the possible amendments, their merits and potential consequences, to the planning regulations to implement the following recommendations made in the UTAS Report: *Regulating Short-Stay Accommodation in Tasmania: Issues to consider and options for reform*:

*Recommendation 3: That the Tasmanian Government amend the current planning scheme to allow consideration of housing market conditions when making planning decisions.*

*Recommendation 4: That the current planning scheme include provisions so that it can respond to community-level housing needs in a timely manner.*

- (b) That advice be prepared as to the merits and potential consequences of endorsing Recommendation 5 of the same report:

*Recommendation 5: That the Tasmanian Government establish a Housing Supply Forecasting Council to collect and analyse housing supply and demand drivers, including the impact of the SSA sector, and provide policy recommendations.*

- (c) A briefing with the authors of the UTAS report *Regulating Short- Stay Accommodation in Tasmania* be organised at the earliest opportunity.”

Rationale:

“In 2019 the City of Hobart unanimously declared a Housing and Homelessness crisis. One of the key contributors to this issue is the lack of housing supply, both affordable housing and in the broader housing market. This lack of supply, coupled with fast increasing demand has placed a disproportionate burden on those on lower incomes and the vulnerable within our community, making it more difficult to find stable housing and displacing more and more onto our social and public housing systems, placing increased stress on the sector.

Council, as the Planning Authority, possesses one of the most powerful policy levers in this space to increase supply. As it currently stands however, the planning scheme does not allow for a residential development's contribution to housing supply to be taken as a planning consideration.

During debate regarding further regulation of the Short Stay Accommodation sector, references were made to recommendations included in the UTAS report: *Regulating Short-Stay Accommodation in Tasmania: Issues to consider and options for reform*. This report also contained recommendations to address the broader supply issue within the housing market, including those referenced in the motion.

To directly quote the report:

*“Pressures on Tasmania's housing market have not abated over the past 12 months. In Greater Hobart in particular, steadily rising house prices and rents are creating significant housing affordability and access challenges, especially for low-income renters. A range of factors including strong population growth, supply constraints and growing visitor numbers have contributed to these pressures.”*

The City of Hobart is attempting to address the impact growing visitor numbers are potentially having to housing stress with the motion to investigate regulatory mechanisms into short stay accommodation. We should also take seriously our role in addressing the other key issue referred to in this report: supply constraints.

Council has the ability to implement Planning Scheme Amendments to address this issue, however as noted by the report, *“Currently, there is scope to include community specific ‘local provisions’ in the statewide planning scheme (Battery Point is an example). However, such provisions must be approved by the Tasmanian Planning Commission. Its processes can be protracted and are not suited to making time-sensitive changes to meet the housing needs of specific communities.”* Thus, we should also investigate the merit in calling on the State Government to insert provisions into the Planning Scheme more broadly if it can be determined that a more positive response in the city's housing stocks would result.

Reference:

*Insight Eight: Regulating Short-Stay Accommodation in Tasmania: Issues to consider and options for reform*, Julia Verdouw and Richard Eccleston Institute for the Study of Social Change,  
[https://www.utas.edu.au/\\_\\_data/assets/pdf\\_file/0020/1225334/UTAS-ISC-Insight-Eight-Regulating-Short-Stay-Accommodation.pdf](https://www.utas.edu.au/__data/assets/pdf_file/0020/1225334/UTAS-ISC-Insight-Eight-Regulating-Short-Stay-Accommodation.pdf).”

The General Manager reports:

“A response to the motion passed on the 17<sup>th</sup> December 2020, *Short Stay Accommodation – Planning Directive* and this motion if passed, would be combined in any report back to the Council.”

BEHRAKIS  
THOMAS

That the motion be adopted.

BRISCOE  
SHERLOCK

That Alderman Behrakis be granted an additional one minute to address the meeting.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Briscoe  
Sexton  
Thomas  
Harvey  
Behrakis  
Dutta  
Sherlock  
Coats

AMENDMENT

HARVEY  
BURNET

That recommendations 1 and 2 in the report of UTAS Institute for the Study of Social Change titled: *Insight Eight: Regulating Short-Stay Accommodation in Tasmania: Issues to consider and options for reform*, be included in the report.

AMENDMENT LOST

VOTING RECORD

AYES

Deputy Lord Mayor Burnet  
Harvey  
Dutta  
Sherlock

NOES

Lord Mayor Reynolds  
Zucco  
Briscoe  
Sexton  
Thomas  
Behrakis  
Coats

SHERLOCK  
BRISCOE

That Alderman Behrakis be granted an additional one minute to address the meeting.

MOTION CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Briscoe  
Sexton  
Thomas  
Harvey  
Behrakis  
Dutta  
Sherlock  
Coats

NOES

MOTION CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds  
Zucco  
Briscoe  
Sexton  
Thomas  
Harvey  
Behrakis  
Dutta  
Sherlock  
Coats

NOES

Deputy Lord Mayor Burnet

**COUNCIL RESOLUTION:**

- That:
1. A report be prepared on the possible amendments, their merits and potential consequences, to the planning regulations to implement the following recommendations made in the UTAS Report titled: *Regulating Short-Stay Accommodation in Tasmania: Issues to consider and options for reform*:
    - (i) *Recommendation 3: That the Tasmanian Government amend the current planning scheme to allow consideration of housing market conditions when making planning decisions.*
    - (ii) *Recommendation 4: That the current planning scheme include provisions so that it can respond to community-level housing needs in a timely manner.*
  2. Advice be prepared as to the merits and potential consequences of endorsing Recommendation 5 of the same report:
    - (i) *Recommendation 5: That the Tasmanian Government establish a Housing Supply Forecasting Council to collect and analyse housing supply and demand drivers, including the impact of the SSA sector, and provide policy recommendations.*
  3. A briefing with the authors of the UTAS report titled *Regulating Short-Stay Accommodation in Tasmania: Issues to consider and options for reform*, be organised at the earliest opportunity.

## 12. CLOSED PORTION OF THE MEETING

---

That the Council resolve by absolute majority that the meeting be closed to the public pursuant to regulation 15(1) of the *Local Government (Meeting Procedures) Regulations 2015* because the items included on the closed agenda contain the following matters:

- Minutes of Closed meeting
- Leave of Absence

The following items were discussed:-

Item No. 1	Minutes of the last meeting of the Closed Portion of the Council Meeting
Item No. 2	Communication from the Chairman
Item No. 3	Leave of Absence
Item No. 4	Consideration of supplementary Items to the agenda
Item No. 5	Indications of pecuniary and conflicts of interest

BURNET  
BRISCOE

That the recommendation be adopted.

MOTION CARRIED BY  
ABSOLUTE MAJORITY

### VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Sexton	
Thomas	
Harvey	
Behrakis	
Dutta	
Sherlock	
Coats	



There being no further business the meeting closed at 7.01pm.

TAKEN AS READ AND SIGNED AS  
A CORRECT RECORD THIS  
22<sup>ND</sup> DAY OF FEBRUARY 2021.

---

**CHAIRMAN**