



CITY OF HOBART

## AGENDA

Planning Committee Meeting  
Open Portion  
Wednesday, 3 May 2023  
at 5:00 pm  
Council Chamber, Town Hall



City of **HOBART**

## THE MISSION

**Working together to make Hobart a better place for the community.**

## THE VALUES

**The Council is:**

<b>People</b>	We care about people – our community, our customers and colleagues.
<b>Teamwork</b>	We collaborate both within the organisation and with external stakeholders drawing on skills and expertise for the benefit of our community.
<b>Focus and Direction</b>	We have clear goals and plans to achieve sustainable social, environmental and economic outcomes for the Hobart community.
<b>Creativity and Innovation</b>	We embrace new approaches and continuously improve to achieve better outcomes for our community.
<b>Accountability</b>	We are transparent, work to high ethical and professional standards and are accountable for delivering outcomes for our community.

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## **ORDER OF BUSINESS**

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**Business listed on the agenda is to be conducted in the order in which it is set out, unless the committee by simple majority determines otherwise.**

### **APOLOGIES AND LEAVE OF ABSENCE**

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**Planning Committee Meeting (Open Portion) held Wednesday, 3 May 2023 at 5:00 pm in the Council Chamber, Town Hall.**

The title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant s.61 of the *Local Government Act 1993* (Tas).

**COMMITTEE MEMBERS**

Alderman S Behrakis (Chairman)  
Lord Mayor Councillor A M Reynolds  
Deputy Lord Mayor Councillor H Burnet  
Alderman M Zucco  
Councillor W F Harvey  
Councillor M Dutta  
Councillor Dr Z Sherlock  
Councillor J Kelly  
Councillor L Elliot  
Alderman L Bloomfield  
Councillor R Posselt  
Councillor B Lohberger

**Apologies:**

**Leave of Absence:** Nil

**1. CONFIRMATION OF MINUTES**

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The minutes of the Open Portion of the Planning Committee meeting held on [Wednesday, 19 April 2023](#), are submitted for confirming as an accurate record.

**2. CONSIDERATION OF SUPPLEMENTARY ITEMS**

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

**Recommendation**

That the Committee resolve to deal with any supplementary items not appearing on the agenda, as reported by the Chief Executive Officer.

**3. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST**

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

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

#### **4. TRANSFER OF AGENDA ITEMS**

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Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

A Committee may close a part of a meeting to the public where a matter to be discussed falls within 15(2) of the above regulations.

In the event that the Committee transfer an item to the closed portion, the reasons for doing so should be stated.

Are there any items which should be transferred from this agenda to the closed portion of the agenda, or from the closed to the open portion of the agenda?

#### **5. PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS**

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In accordance with the requirements of Part 2 Regulation 8(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chief Executive Officer is to arrange the agenda so that the planning authority items are sequential.

In accordance with Part 2 Regulation 8(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Committee by simple majority may change the order of any of the items listed on the agenda, but in the case of planning items they must still be considered sequentially – in other words they still have to be dealt with as a single group on the agenda.

Where deputations are to be received in respect to planning items, past practice has been to move consideration of these items to the beginning of the meeting.

#### **RECOMMENDATION**

That in accordance with Regulation 8(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Committee resolve to deal with any items which have deputations by members of the public regarding any planning matter listed on the agenda, to be taken out of sequence in order to deal with deputations at the beginning of the meeting.

## **6. COMMITTEE ACTING AS PLANNING AUTHORITY**

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In accordance with the provisions of Part 2 Regulation 25 of the *Local Government (Meeting Procedures) Regulations 2015*, the intention of the Committee 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 Committee will act as a planning authority in respect to those matters appearing under this heading on the agenda, inclusive of any supplementary items.

The Committee is reminded that in order to comply with Regulation 25(2), the Chief Executive Officer 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.

## 6.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

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### 6.1.1 43 SMITH STREET, 45 SMITH STREET, 47 SMITH STREET, 49 SMITH STREET, 51 SMITH STREET, 53 SMITH STREET, NORTH HOBART AND COMMON LAND OF PARENT TITLE - CHANGE OF USE TO VISITOR ACCOMMODATION PLN-22-830 - FILE REF: F23/41486

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Address: 43 Smith Street, 45 Smith Street, 47 Smith Street, 49 Smith Street, 51 Smith Street, 53 Smith Street, North Hobart and Common Land of Parent Title

Proposal: Change of Use to Visitor Accommodation

Expiry Date: 3 May 2023


Extension of Time: Not applicable



Author: Karen Abey

#### **RECOMMENDATION**

That the Planning Committee refuses the application for a change of use to visitor accommodation at 43 Smith Street, 45 Smith Street, 47 Smith Street, 49 Smith Street, 51 Smith Street and 53 Smith Street, North Hobart TAS 7000 pursuant to the *Hobart Interim Planning Scheme 2015* and *Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes*, for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 3(e), in particular P1 (a), (b), (c) and (d).
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 3(e), in particular P2 (a), (b), (c) and (d).

Attachment A: PLN-22-830 - 43 SMITH STREET NORTH HOBART TAS 7000 - Planning Committee or Delegated Report 

- Attachment B: PLN-22-830 - 43 - 53 Smith Street North Hobart  
Visitor Accommodation - planning assessment  
report by Evan Boardman ↓ 
- Attachment C: PLN-22-830 43 SMITH STREET NORTH HOBART  
TAS 7000 - Planning Committee Agenda  
Documents (Application) ↓ 



**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee  
Committee: 3 May 2023  
Expiry Date: 3 May 2023  
Application No: PLN-22-830  
Address: 43 SMITH STREET , NORTH HOBART  
45 SMITH STREET , NORTH HOBART  
47 SMITH STREET , NORTH HOBART  
49 SMITH STREET , NORTH HOBART  
51 SMITH STREET , NORTH HOBART  
53 SMITH STREET , NORTH HOBART  
COMMON LAND OF PARENT TITLE  
Applicant: KIM WOODCOCK  
240 COVE HILL ROAD  
Proposal: Change of Use to Visitor Accommodation  
Representations: 45  
Performance criteria: Planning Directive No 6 Exemption and Standards for Visitor  
Accommodation in Planning Schemes 1 July 2018, 3.1(e) P1 & P2; E6.0  
Parking and Access Code

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**1. Executive Summary**

- 1.1 Planning approval is sought for Change of Use to Visitor Accommodation at 43 Smith Street, 45 Smith Street, 47 Smith Street, 49 Smith Street, 51 Smith Street and 53 Smith Street, North Hobart TAS 7000.
- 1.2 The proposal relies on performance criteria to satisfy the following:
  - 1.2.1 Planning Directive No 6 Exemption and Standards for Visitor Accommodation in Planning Schemes 1 July 2018, 3.1(e) P1 & P2;
  - 1.2.2 E6 Parking and Access Code
- 1.3 45 representations objecting to the proposal were received within the statutory advertising period between 27 March 2023 until 13 April 2023.

- 1.4 Due to the high profile and unusual nature of this application, it has been assessed by an external consultant, Evan Boardman of E3 Planning. His report is at **Attachment A** to this report.
- 1.5 The final decision is delegated to the Planning Committee because the application is recommended for refusal.

**2. Site Detail**

The site description is provided at section 3 of Mr Boardman's report.

**3. Proposal**

- 3.1 Planning approval is sought for Change of Use to Visitor Accommodation at 43 Smith Street, 45 Smith Street, 47 Smith Street, 49 Smith Street, 51 Smith Street and 53 Smith Street, North Hobart TAS 7000.

**4. Background**

It is noted that there is a separate planning application relating to development at 45, 47, 49, 51 and 53 Smith Street. This will be separately assessed. There is no development proposed as part of the change of use application.

**5. Concerns raised by representors**

- 5.1 45 representations objecting to the proposal were received within the statutory advertising period between 27th March and 13th April 2023.
- 5.2 A summary of the representations is provided in section 6 of Mr Boardman's report.

**6. Assessment**

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the Inner Residential zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is residential. The proposed use is visitor accommodation.

- 6.4 The proposal has been assessed against:
- 6.4.1 Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes
  - 6.4.2 E6.0 Parking and Access Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes, 3.1(e) P1 - visitor accommodation floor area;
  - 6.5.2 Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes, 3.1(e) P2 - visitor accommodation within a strata scheme; and
  - 6.5.3 E6.6.1 P1 - car parking spaces.
- 6.6 This performance criterion is assessed below.
- 6.7 Planning Directive 6 - Clause 3.1 (e) - P1
- 6.7.1 The acceptable solution at clause 3.1 (e) A1 requires that the proposed visitor accommodation must:
    - (a) accommodate guests in existing habitable buildings; and
    - (b) have a gross floor area of not more than 200 m<sup>2</sup> per lot.
  - 6.7.2 The proposal includes six properties which collectively have a floor area in excess of 200m<sup>2</sup>.
  - 6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
  - 6.7.4 The performance criterion at clause 3.1 (e) - P1 provides as follows:

*Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:*

    - (a) the privacy of adjoining properties;*

- (b) any likely increase in noise to adjoining properties;*
- (c) the scale of the use and its compatibility with the surrounding character and uses within the area;*
- (d) retaining the primary residential function of an area;*
- (e) the impact on the safety and efficiency of the local road network; and*
- (f) any impact on the owners and users rights of way.*

6.7.5 An assessment against this performance criteria is provided by Mr Boardman in section 5 of his report. He concludes that the proposal does not comply with the performance criterion, specifically P1 (a), (b), (c) and (d). Note that P1 (e) is not considered to be problematic and (f) is not relevant in the circumstances of this application.

6.7.6 The proposal does not comply with the performance criterion.

6.8 Planning Directive 6 - Clause 3.1 (e) - P2

6.8.1 The acceptable solution at clause 3.1 (e) A2 requires Visitor Accommodation not be part of a strata scheme that also contains residential uses.

6.8.2 The proposal is part of a strata scheme with six other properties at 46 to 56 George Street, North Hobart, which are in residential use.

6.8.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.8.4 The performance criterion at clause 3.1 (e) P2 of the Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes provides as follows:

*Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other lots within the strata scheme, having regard to:*

- (a) the privacy of residents;*
- (b) any likely increase in noise;*
- (c) the residential function of the strata scheme;*
- (d) the location and layout of the lots;*
- (e) the extent and nature of any other nonresidential uses; and*
- (f) any impact on shared access and common property*

6.8.5 An assessment against this performance criteria is provided by Mr Boardman in section 5 of his report. He concludes that the proposal does

not comply with the performance criterion, specifically P2 (a), (b), (c) and (d). Note that P2 (e) and (f) do not apply in the circumstances of this application.

6.8.6 The proposal does not comply with the performance criterion.

6.9 Parking and Access Code Part E6.6.1P1

6.9.1 The acceptable solution at clause Table E6.1 requires one on-site car parking space per visitor accommodation unit. This is a requirement for six on-site car parking spaces to be provided.

6.9.2 The proposal does not provide any on-site car parking spaces.

6.9.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.9.4 The performance criterion at clause E6.6.1P1 provides as follows:

*The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:*

- (a) car parking demand;*
- (b) the availability of on-street and public car parking in the locality;*
- (c) the availability and frequency of public transport within a 400m walking distance of the site;*
- (d) the availability and likely use of other modes of transport;*
- (e) the availability and suitability of alternative arrangements for car parking provision;*
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (g) any car parking deficiency or surplus associated with the existing use of the land;*
- (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;*
- (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;*
- (j) any verified prior payment of a financial contribution in lieu of parking for the land;*

*(k) any relevant parking plan for the area adopted by Council;*  
*(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;*  
*(m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code.*

- 6.9.5 The current use as residential dwellings would have required 2 car parking spaces per dwelling, which is a total requirement of 12 car parking spaces required by the acceptable solution. The proposed use requires 1 car parking space per dwelling, which is a requirement of 6 car parking spaces required by the acceptable solution. The parking demand for the proposed use is half of the parking demand for the current use. It may be argued that the proposed use may generate less parking demand as not all patrons may utilise a motor vehicle.

There is limited unrestricted on-street parking available in the vicinity of the proposed development. Much of the available on-street parking is in the form of time-restricted parking, with authorised residents excepted. It is noted that residential parking permits are not provided for visitor accommodation.

The parking provision may be accepted under Performance Criteria P1:E6.6.1 of the Planning Scheme. This is particularly due to the actual parking demands that will be generated by the development and the reduction in parking demand from the existing use to the proposed use.

- 6.9.6 The proposal complies with the performance criterion.

## 7. Discussion

- 7.1 Planning approval is sought for Change of Use to Visitor Accommodation at 43 Smith Street, 45 Smith Street, 47 Smith Street, 49 Smith Street, 51 Smith Street and 53 Smith Street, North Hobart TAS 7000.
- 7.2 The application was advertised and received 45 representations.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to not perform well.
- 7.4 The proposal is recommended for refusal.

**8. Conclusion**

- 8.1 The proposed Change of Use to Visitor Accommodation at 43 Smith Street, 45 Smith Street, 47 Smith Street, 49 Smith Street, 51 Smith Street and 53 Smith Street, North Hobart TAS 7000 does not satisfy the relevant provisions of the *Hobart Interim Planning Scheme 2015* and Planning Directive No 6 Exemption and Standards for Visitor Accommodation in Planning Schemes, and as such is recommended for refusal.



**9. Recommendations**

That: That the Planning Committee refuses the application for a change of use to visitor accommodation at 43 Smith Street, 45 Smith Street, 47 Smith Street, 49 Smith Street, 51 Smith Street and 53 Smith Street, North Hobart TAS 7000 pursuant to the *Hobart Interim Planning Scheme 2015* and *Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes*, for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 3(e), in particular P1 (a), (b), (c) and (d).
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 3(e), in particular P2 (a), (b), (c) and (d).



(Karen Abey)

**Manager Development Appraisal**

*As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.*



(Karen Abey)

**Manager Development Appraisal**

*As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.*

Date of Report: 24 April 2023

Attachment A: report by Evan Boardman dated 21 April 2023

Attachment B: Planning Committee Agenda Documents (Application)



ENVIRONMENT

SUSTAINABLE  
DEVELOPMENT

ECONOMICS

### Planning Assessment

Change of Use of 6 Residential Dwellings to Visitor  
Accommodation

43, 45, 47, 49, 51, 53 Smith Street West Hobart

Author: Evan Boardman

Date: 21 April 2023

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Authorised by

A handwritten signature in black ink, appearing to read 'Evan Boardman'.

Name: Evan Boardman



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## 1. INTRODUCTION

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- 1.1. This Planning Assessment (the Assessment) independently assesses a development application for a Change of Use of 6 Residential Dwellings to Visitor Accommodation at 43, 45, 47, 49, 51 and 53 Smith Street (the Properties).
- 1.2. The independent assessment has been prepared in response to a brief from Ms Karen Abey Manger Development Appraisal Hobart City Council, it considers all relevant planning provisions of the *Hobart Interim Planning Scheme 2015* (the Scheme) and *Planning Directive No 6 Exemption and Standards for Visitor Accommodation in Planning Schemes 1 July 2018* (PD6).

## 2. BACKGROUND

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- 2.1. The Use Standard for Visitor Accommodation within PD6 is in substitution for all Visitor Accommodation use standards in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone, Environmental Living Zone and Village Zone within all Interim Planning Schemes in Tasmania excepting the *Flinders Planning Scheme 2000*; and the *Sullivans Cove Planning Scheme 1997*. The Battery Point Heritage Precinct (BP1) in the Hobart Interim Planning Scheme 2015 is also excluded from the application of 3.1(c), 3.1(d) and 3.1(e) of PD6.
- 2.2. Visitor Accommodation is defined as:
- use of land for providing short- or medium-term accommodation, for persons away from their normal place of residence, on a commercial basis or otherwise available to the general public at no cost. Examples include a backpacker's hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential hotel and serviced apartment.



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2.3. Visitor accommodation under Interim Planning Schemes within the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone, Environmental Living Zone and Village Zone as previously stated is regulated under PD6 and as Planning Directives are issued by the Minister, it is at the Minister's discretion to amend these provisions. Council could seek an amendment to clause 2.1 b) of PD6 to read *(b) notwithstanding 2.1(a), the area identified as Battery Point Heritage Precinct (BP1) in the Hobart Interim Planning Scheme 2015 is excluded from the application of 3.1(c), 3.1(d) and 3.1(e),* such an amendment of course would be again at the discretion of the Minister.

### 3. SITE DESCRIPTION

3.1. The Properties are approximately 80 metres to the east of Argyle Street as shown in figures 1 and 2.



Figure 1: Property location source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)



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Figure 2: Property location source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)

- 3.2. The Properties form part of a Strata Scheme containing 12 units, with the other six units having frontage to George Street.
- 3.3. The Properties are permanently listed on the Tasmanian Heritage Register NH8 as shown in figure 3.
- 3.4. The area within which the Properties are located is subject to the Historic Heritage Code under the Scheme.
- 3.5. Heritage listing does not impact the manner in which Visitor Accommodation is regulated under PD6 or the Scheme.



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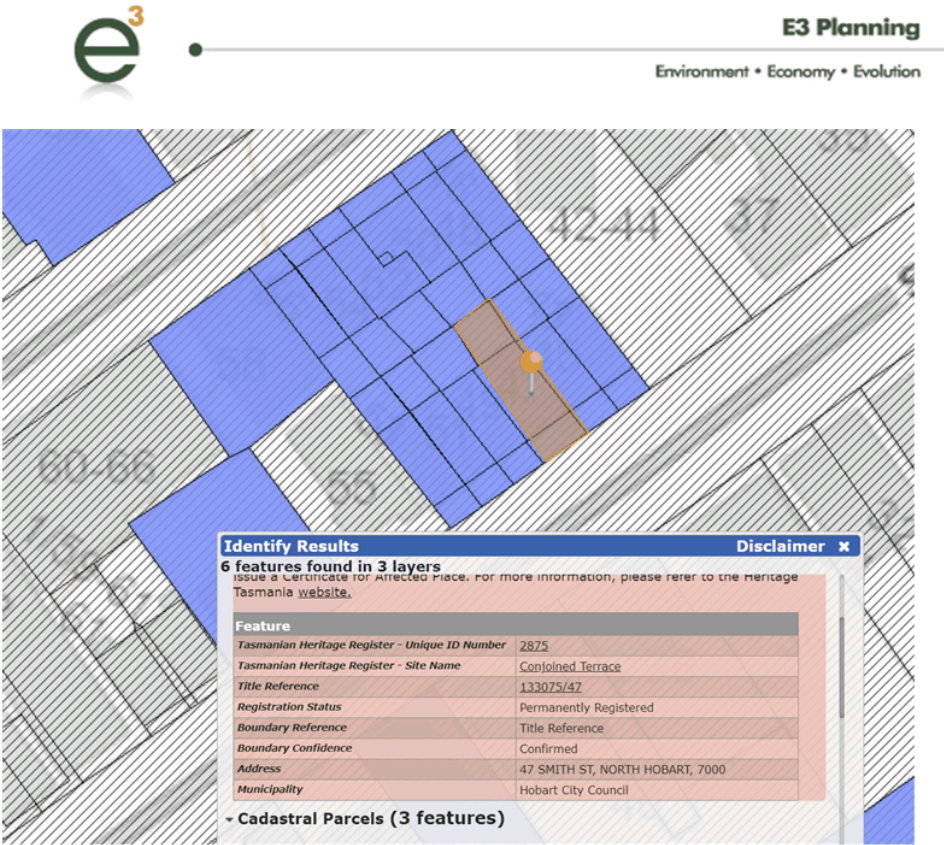


Figure 3: Heritage source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)





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#### 4. THE PROPOSAL

4.1. It is proposed to change the use of the Properties (six existing residential dwelling units) to Visitor Accommodation, the floor plans of the existing dwelling units are shown in figures, 4 and 5, which are screenshots from the development application.



Figure 4: Ground floor floor plan.



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Figure 5: Upper floor, floor plan



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4.2. Two plans showing new typical rooves were contained in the application shown as screenshots in figures 6 and 7.

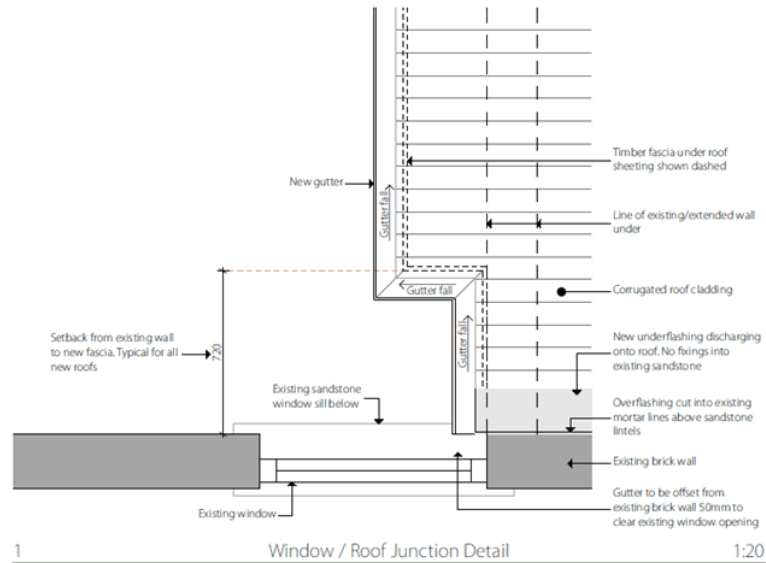


Figure 6: Window roof junction detail for new roof.



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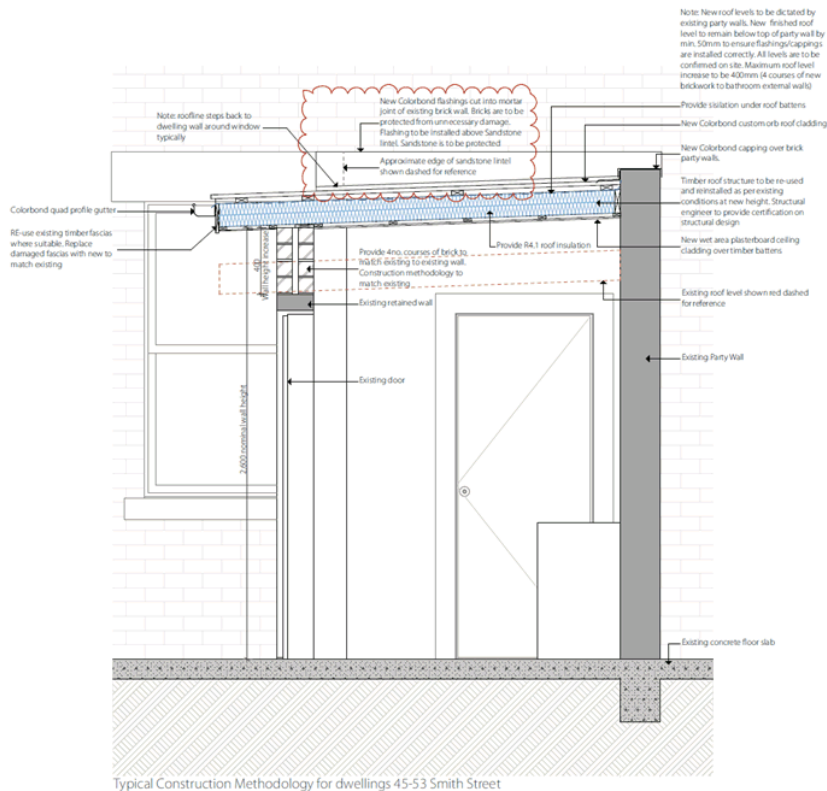


Figure 7: Typical construction methodology for new roof



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- 4.1. Although the application states that no works are required to provide for the proposed change of use to Visitor Accommodation the drawings provided with the application show
- 4.1.1. New ceiling
  - 4.1.2. Changed roof levels and roof.
  - 4.1.3. New colourbond capping over party walls.
  - 4.1.4. new gutters
- 4.2. These are all works which would require approval from the Tasmanian Heritage Council and or Council's Heritage Officer.
- 4.3. A separate development application has been submitted to Council for these alterations. It is recommended that if Council determines to issue a planning permit for the proposal that the proposed alterations and building works do not form part of any permit issued.
- 4.4. In total it is proposed to convert 13 rooms to Visitor Accommodation. The maximum number of visitors which could be accommodated by the proposed change of use would be 49 persons. It could reasonably be expected that up to 30 visitors could be accommodated within the buildings during peak times if they were all family bookings.
- 4.5. The density of visitor accommodation proposed would resemble a small boutique hotel.

## 5. PLANNING ASSESSMENT

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- 5.1. As the proposed change of use is located within Properties which are being used for multiple dwellings which have been strata titled it must be assessed against *Planning Directive No 6 Exemption and Standards for Visitor Accommodation in Planning Schemes 2018*. The relevant clauses are listed below, and responses follow.
- 5.2. Development Standard
- 5.3. A1 Visitor Accommodation must: (a) accommodate guests in existing habitable buildings; and (b) have a gross floor area of not more than 200m<sup>2</sup> per lot.



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## 5.4. Comment

5.5. The proposal would accommodate guests within existing habitable buildings.

5.6. *Lot is defined under the Strata Titles Act 1998: means a part of the site – (a) allocated for separate occupation by the owner of the lot or a person deriving rights of occupation from the owner; or (b) consisting of land that, by virtue of a certificate under section (A of the Meander Dam Project Act 2003, is to be treated as a lot' 3 Strata Titles Act 1998 defines 'strata scheme' as: 'strata scheme means the complex of lots and common property (together with the system of administration and management) created on the registered strata plan'*

5.7. In the Supreme Court decision of *Clarence City Council v Drury [2021]* TASSC 5, the Court determined that reference to "lot" as it appears in planning controls applying to strata titled land is not a reference to a strata title lot, but a parent title. In this case, the collective floor area is the relevant floor area. The floor area proposed to be converted to visitor accommodation is in excess of 200m<sup>2</sup>.

5.8. As the total floor area proposed to be used for visitor accommodation exceeds 200m<sup>2</sup>, the proposal fails to comply with A1 and must be assessed against P1 as reproduced below.

5.9. *P1 Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to: (a) the privacy of adjoining properties.*

5.10. This is a three-part test and requires an assessment against, *character and use and residential amenity* and whether the proposal is compatible

5.11. In terms of surrounding area, it is generally accepted by TASCAT that this includes an area with a radius of 100m from a development proposal site as shown in figure 8.





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Figure 8: Surrounding area for the purpose of determining character.



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- 5.12. The character of an area is determined by its look and feel, it is particularly influenced by an area's built form, bulk, scale, height, landscaping, vegetation and fencing it is also influenced by its history, culture and the uses undertaken within it.
- 5.13. The existing character of the area is of medium-density housing, dominated by a built form of single to two-storey buildings with limited separation between. Setbacks from the street frontage are consistent on both sides of the street and are generally less than 1 to 2 metres. Fences along the street are low, being generally less than 1 metre. The established use of the area is residential with virtually all buildings in the area occupied by permanent residents.
- 5.14. The proposal would not be compatible with the existing character of the area as it seeks to convert six existing residential dwellings to a non-residential (visitor accommodation) use.
- 5.15. The Properties form part of a 12-unit strata complex with backyards backing immediately onto one another. There is little separation between dwellings and if an individual group booked multiple units, then impacts upon amenity and privacy are considered likely.
- 5.16. The proposal fails to comply with P1(a).
- (b) any likely increase in noise to adjoining properties.*
- 5.17. The Proposal would be similar to a boutique hotel without any attendant management, without such management, issues relating to unruly, inappropriate behaviour and noise would be uncontrolled and at the discretion of visitors. If an individual group rented more than one unit or all six, then it could be reasonably be expected that noise impacts on adjoining properties could result. The proposal fails to comply with P1(b).
- (c) the scale of the use and its compatibility with the surrounding character and uses within the area.*







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- 5.18. Converting six existing conjoined residential dwellings to visitor accommodation along one consistent stretch of Smith Street would create a significant change to the existing character of the area as it would result in a discernible change to the existing residential use and would be obvious to existing permanent residents. The Proposal does not comply with P1(c) as it would not be compatible with the surrounding character and uses within the area.

*(d) retaining the primary residential function of an area.*

- 5.19. Converting 6 existing residential dwelling units to what would virtually be a boutique hotel would not retain the primary residential function of the surrounding area. The proposal does not comply with P1(d).

*(e) the impact on the safety and efficiency of the local road network; and*

- 5.20. The Proposal would not impact upon the safety and efficiency of the local road network.

*(f) any impact on the owners and users rights of way.*

- 5.21. No rights of ways are in existence.

- 5.22. *A2 Visitor Accommodation is not for a lot, as defined in the Strata Titles Act 1998, that is part of a strata scheme where another lot within that strata scheme is used for a residential use.*

#### 5.23. Comment

- 5.24. There are 12 strata title lots within the strata scheme and six of them would continue to be used for residential use and development, the proposal does not comply with acceptable solution A2 and must be assessed against performance criteria P2 as reproduced below.

- 5.25. *P2 Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other lots within the strata scheme, having regard to: (a) the privacy of residents; (b) any likely increase in noise; (c) the residential function of the strata scheme; (d) the location and layout of the lots; (e) the extent and nature of any other nonresidential uses; and (f) any impact on shared access and common property.*



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**5.26. Comment**

- 5.27. The performance criteria are limited in that it only requires a consideration of the potential impact upon the residential amenity of long-term residents of a Strata Scheme and not a broader assessment of impacts upon other residents outside the Strata Scheme.
- 5.28. Residential amenity is taken to refer to the quality or character of an area and elements that contribute to the overall enjoyment of an area.
- 5.29. *(a) the privacy of residents.*
- 5.30. The proposed six visitor accommodation units would back immediately onto the backyards of the remaining residential dwellings. The scale of the proposed change of use would be similar to that of a boutique hotel, containing 13 bedrooms. The significant difference between a boutique hotel and the proposal is that no onsite manager would be present and no management regime for operation of the 6 visitor accommodation units is proposed. A reasonable scenario could be envisaged whereby all 6 units are rented to one group, such as a sporting club or a large group of friends. Without an onsite manager or management regime such a large number of visitors (as many as 30) could create an increased opportunity for unruly behaviour and impacts upon privacy of other permanent residents within the strata scheme. The strata units have adjoining private open spaces which would be impacted if the proposed change of use was approved. The proposal does not comply with performance criteria P2(a).
- 5.31. *(b) any likely increase in noise.*
- 5.32. The majority of noise complaints with respect to visitor accommodation are made after hours and are usually made to the Tasmania Police, unfortunately Council therefore has no detailed records of how significant noise impacts from visitor accommodation might be. The Police do not record what type of use is being undertaken when the complaint is made.
- 5.33. The majority of complaints received by the Council regarding Visitor Accommodation do not relate to noise, but rather to operating without a permit.



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- 5.34. Since 2018, approximately 12 complaints have been received by Council specifically raising concerns relating to residential amenity.
- 5.35. In the last 12 months 2 complaints have been received about noise from visitor accommodation. One was operating with no permit and the other was a permitted application.
- 5.36. The proposal differs significantly from any other visitor accommodation developments within Hobart as it seeks to convert 6 conjoined residential dwellings, or half of a Strata Scheme to a non-residential use. It would be similar to a boutique hotel without any of the attendant management regime or management staff.
- 5.37. Without any onsite manager or any management regime of the proposed visitor accommodation, Council can have little confidence that the proposal could be operated without an increase in noise impacting upon existing residents of the Strata Scheme. As stated above there would be nothing preventing all six units or multiple units being offered for rent to an individual group such as a sporting team a bunch of friends, a wedding party etc. Without such a restriction and an onsite manager there is an increased likelihood of inappropriate behaviour including late night parties, loud music and large gatherings within the backyard of one or more of the units. The proposal does not comply with clause P2(b) of PD6.
- 5.38. *(c) the residential function of the strata scheme.*



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**5.39. Comment**

5.40. The proposal would halve the existing residential function of the strata scheme. The proposal does not comply with clause P2(c) of PD6.

5.41. *(d) the location and layout of the lots.*

5.42. Six of the strata units have a common rear boundary which would increase the potential for impact for impacts upon privacy and from noise. The proposal does not comply with clause P2(d) of PD6.

5.43. *(e) the extent and nature of any other non-residential uses; and*

5.44. No other non-residential uses occur within the Strata Scheme.

5.45. *(f) any impact on shared access and common property*

5.46. The strata scheme does not contain any shared accesses or common property.

5.47. The proposal fails to comply with PD6 P2 (a), (b), (c), (d).

**6. REPRESENTATIONS RECEIVED**

6.1.46 representations were received all objecting to the proposal. The following provides a summary of the objections received and a response.

Issue Raised	Response
Lack of affordable homes in Tasmania and loss of a further 6 if the proposal proceeds	This matter is not raised under any provision of the Scheme.
Profit driven focus for the applicant is not in the best interests of the community who are struggling to find a place to live.	Whether an applicant is profit driven or not is not a relevant planning consideration.
Loss of affordable housing.	Council as a planning authority is limited in that it may only have regard to relevant matters within the Planning Scheme. Whether the proposal would or would not result in the loss of affordable housing is



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	not a relevant matter raised by the planning scheme.
Would be a bad call for the Council to allow these houses to be turned into visitor accommodation during a housing crisis. The application is unethical.	Local Government has a very limited role to play in addressing the housing crisis.  Whether or not an application is unethical is not a planning consideration.
Kicking out long term tenants to short stay accommodation would be acting against the communities best interests, further impacting individuals.	Council must consider each development application against the relevant provision of its planning scheme.
Application is fuelled by greed. Oversaturation of AirBnB's.	Whether an applicant is acting with greed or altruism is not a planning consideration.
Added noise and inappropriate behaviour which comes from short stay accommodation. Turning a sizeable and solid portion of Smith Street into a hotel/motel is an inappropriate use of residential land.  Tasmanians need housing – please keep our houses as homes and not tourist accommodation.	The proposal does not comply with PD6.
One of the simplest things the council could do to begin to address the housing crisis would be rejecting proposals for further properties to be turned into accommodation primarily for people who don't live here.	Council is bound by the relevant provisions under its planning scheme. These provisions are set principally by the State Government. Council is unable to reject a proposal for visitor accommodation on any other grounds than those raised by the planning scheme.
Please reconsider what is best for the local community over profit.	What may or may not be in the community's best interests is not raised under the planning scheme.
This application is not in the best interest of the community and should be rejected.	What may or may not be in the community's best interests are not raised under the planning scheme



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I do not agree that these rentals should be turned into air bnb's.	
The houses should be retained for local people who are renting and not adding to the burgeoning number of homeless people	the planning scheme does not raise this as a relevant matter.
All this proposal would do is throw people out of their homes, and fails to give them anywhere else to go	This is not a matter which can be addressed by the planning scheme.
The proposal does not meet 11.1.1.6 or 11.3.2 P1 (A), (C) & (E) of the planning scheme	This is addressed elsewhere in this assessment and the proposal is not considered to be compatible with the character and use of the area.
It will change the character of the street and North Hobart in general. Maintain long term housing	The proposal is not considered to be compatible with the character and use of the area.
Displacing six adjoining long-term residences is of an intensity that would adversely affect the residential amenity and character of Smith Street, and it does not meet 11.1.1.6 or 11.3.2 P1 (A), (C), and (E) of the planning scheme.	The proposal is not considered to be compatible with the character and use of the area.
The displacement of six neighbouring long-term residences would have a significant impact on the residential atmosphere and overall character of Smith Street	The proposal is not considered to be compatible with the character and use of the area.
Tasmania is having a housing crisis & these central houses should be used as permanent homes for permanent Tasmanian/Hobart residents, & NOT to continue contributing to a huge factor in our house off crisis that is the short-stay accommodation "boom".	The rental housing crisis has been created by a number of factors in particular housing prices, limited rental affordability and increasing interest rates, it is not an issue which can be addressed via individual development applications.



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Pushing people out of the suburbs in this way is disgraceful. These places won't even be occupied the whole year. This is no different to someone knocking them down to put in a hotel but with all the protections of private ownership. It is an insult to the rental market and the agreements between landlord and renter.	This is not a matter which can be addressed via the planning scheme.
Five, two-bedroom flats and one, three-bedroom flat removed from the permanent housing pool. This is greedy and you all know it to be wrong, building further pressure on the housing market and killing community. I don't want to live next to a chain of AirBnBs. The area is heritage overlayed, removing full-time residents to be replaced by transient revellers that have no obligation to maintain neighbourly relations, does not protect the heritage value of the area. It does not build community. It does not build strong links on Smith St	Whether or not an applicant is acting greedily or out of community interest is not a relevant matter under the planning scheme.
It clearly demonstrates the complete failure of Hobart City Council and the Tasmanian Government to develop an adequate response to the short stay industry.  The proposed visitor accommodation is not compatible with the character and use of the area, and will cause an unreasonable loss of residential amenity.	Hobart City Council has a limited ability to alter the planning regulations around visitor accommodation, this is principally the domain of the Tasmanian State Government.
The applicant does not have the community in mind when submitting this request.	This may or may not be the case however this is not a relevant matter in determining planning applications.
These tenants are human beings with lives. Housing is a human right. The amazing location of these properties	This may or may not be the case however this is not a relevant matter in determining planning applications.



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would be a loss to the local people of Hobart to use it to their full benefit.	
These properties currently house 3 wonderful long-term tenants and have the capacity to house 6 long tenants. That is 6 people, 6 couples, 6 families that could have safe long-term accommodation in the unprecedented housing crisis that is currently facing Hobart. The applicant has stated that current tenants will be vacating upon the end of their lease period due to high rents - this was not known to the current tenants	This may or may not be the case however this is not a relevant matter in determining planning applications.
The applicant has mentioned the ideal location of the properties (close to shops, sporting facilities, restaurants etc), all of which are ideal for residential use and therefore make the properties valuable additions to the rental market	The Properties are considered to be well located for residential use.
Increased foot traffic, parking concerns and general behaviour of tourists as well as change to the community fabric of Smith Street and surrounding areas.	Table E6.1 of the Scheme specifies that 2 carparking spaces are required for a residential dwelling and 1 for a visitor accommodation unit.
I disagree with assertions that altering the properties would ease parking issues, noting that tourists in Tasmania are more likely to hire cars than other states on the mainland.	The carparking requirement under the Scheme would be reduced by the proposal.
Tourists are more likely to take risks, drink more and are more likely to cause property damage. The impact of six short stay properties would be significant to residents and increases risks relating to property damage and antisocial behaviour. Please see <a href="https://www.scu.edu.au/business-law-and-arts/research/business/impact-and-engagement/impact-of-airbnb/">https://www.scu.edu.au/business-law-and-arts/research/business/impact-and-engagement/impact-of-airbnb/</a> for	This obviously may be the case with some but certainly not all visitors. No management regime for operation of the 6 visitor accommodation units is proposed and it could be the case that all 6 units are rented to an individual group such as a sporting club. Without an onsite manager or regime combined with such a large number of conjoined and adjacent bedrooms would create an increased



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information on a particular Australian study.  Altering six homes on the street would significantly change the streets culture. The application can be likened to developing a boutique sized hotel and I note that there are already a significant number of visitor accommodation available in the surrounding streets including AirBnB	opportunity for unruly behaviour to occur leading to impacts upon residential amenity. Greater noise impacts and complaints are considered likely.
The owner is saying the current tenants are going to have to leave because they cannot afford her rent increases	This cannot be addressed by the Planning Scheme.
This application should be refused as it does not meet all the required standards of Planning Directive 6. Specifically, it is of an incompatible scale to an area with a valuable history, and (noting the applicant states that there is no other AirBnB on the street) would result in an unreasonable negative impact on residential amenity.	The proposal does not meet the relevant standards under PD6.
I'm concerned about the housing crisis in Hobart. Residents cannot find places to live. Housing is becoming unaffordable. Please consider the people who want to live and thrive in Hobart.	This cannot be addressed by the Planning Scheme.
Moving house is stressful, and consumes resources of time, and money. I wish we had rental agreements more like Europe, where it is for more than a 12 month 'guarantee'. If Hobart continues down this current path, it is indeed a sad and sorry state of affairs.	This cannot be addressed by the Planning Scheme.
No mention of Robert Stephen Woodcock, co-owner of numbers 45, 47, 49, 51 & 53.  Secondly as the advertised plans do not show dimensions it is difficult to scale due	The application is for numbers 43, 54, 47, 49, 51 and 53 Smith Street.



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<p>to loss of detail/surety during the digitisation process. Using the areas shown on the accompany Strata Plan there appears be a total of 676sqm± that is proposed to be dedicated to short-stay visitor accommodation leaving 665sqm± for long term residential use for the remaining townhouses on the Strata Plan. Not a big difference but a difference non-the-less. Does this discrepancy of ratio matter? If not, how many more of the remaining 6 townhouses will be allowed to become short-stay visitor accommodation before a brake is applied?</p> <p>Parking is definitely at a premium within the area, and this issue has been addressed reasonably well with restricted parking and the availability of parking permits for the local residents. Parking in Smith Street certainly poses challenges, it is the nature of the place.</p> <p>Planning Directive 6 came about due to the boom in the short-stay visitor accommodation bandwagon ride as a gap filler during the Interim Planning Scheme journey toward the Tasmanian Planning Scheme and it (PD6) does tend to read in favour of proponents, but the size of the bandwagon has exploded substantially since then, and yet there has not been any amendments made to take into consideration this explosion.</p>	<p>This cannot be addressed by the Planning Scheme.</p> <p>The ration of visitor accommodation to residential use is not raised by the Planning Scheme.</p> <p>The Planning Scheme specifies that converting the residential dwellings would reduce carparking demand.</p> <p>This is a matter which can only be addressed by the State Government.</p>
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## 7. CONCLUSION

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- 7.1. The proposed conversion of six existing conjoined residential dwellings is of a scale and intensity which is not found elsewhere in Hobart and would have characteristics similar to that of a boutique hotel without any of the attendant management regime or management staff.
- 7.2. Such a large number of visitor accommodation units and associated bedrooms would provide the potential to accommodate a large number of individuals (up to 30) all of whom could be known to one another. This could include sporting teams, clubs, friends, wedding parties, bucks parties. All six visitor accommodation units or multiple units could be rented by one group at the same time.
- 7.3. Having such a large number of people within an individual group residing within one or more conjoined multiple visitor accommodation units without some form of management would increase the potential for negative impacts upon the residential amenity of existing residents of the Strata Scheme from noise and privacy.
- 7.4. The proposal does not comply with clauses P1 (a), (b), (c), (d) and P2 (a), (b), (c), (d) of PD6 and is recommended to Council for refusal.



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Planning #270446

**Property**

43 SMITH STREET NORTH HOBART TAS 7000

**People**

Applicant \* KIM WOODCOCK

Owner \* KIM WOODCOCK

Entered By KIM WOODCOCK

**Use**

Other

**Details**

Have you obtained pre application advice?

☒ Yes

If YES please provide the pre application advice number eg PAE-17-xx

Discussed with DAPs

Are you applying for permitted visitor accommodation as defined by the State Government Visitor Accommodation Standards? Click on help information button for definition. \*

☒ Yes

Is the application for SIGNAGE ONLY? If yes, please enter \$0 in the cost of development, and you must enter the number of signs under Other Details below. \*

☒ No

If this application is related to an enforcement action please enter Enforcement Number

**Details**

What is the current approved use of the land / building(s)? \*

Residential

Please provide a full description of the proposed use or development (i.e. demolition and new dwelling, swimming pool and garage) \*

Change of Use to Visitor Accommodation

Estimated cost of development \*

0.00

Existing floor area (m2)

Proposed floor area (m2)

Site area (m2)

#### Carparking on Site

Total parking spaces

0

Existing parking spaces

N/A

☒ Other (no selection chosen)

#### Other Details

Does the application include signage? \*

☒ No

How many signs, please enter 0 if there are none involved in this application? \*

0

#### Tasmania Heritage Register

Is this property on the Tasmanian Heritage Register?

☒ Yes

#### Documents

##### Required Documents

Title (Folio text and Plan and Certificate of Title.pdf  
Schedule of Easements) \*

Plans (proposed, existing) \* Floor Plans.pdf

Covering Letter Cover Letter.pdf

Kim N. Woodcock.

### Planning application for Visitor Accommodation

I would like to apply to convert my properties at 43, 45, 47, 49, 51 & 53 Smith St. North Hobart to visitor accommodation for the following reasons

There is a high demand for personal visitor accommodation & unique experiences in the area due to location with very attractive surroundings e.g. central location and easy access to a huge amount of attractions, restaurants & shopping in North Hobart as well as the CBD and surrounding suburbs.

Close proximity to sporting facilities, walking track, hockey centre, aquatic centre, tennis, cricket and football venues, iconic State Cinema, new whisky bar on Argyle St, redevelopment of the "Wagon & Horses", new car rental yard opposite same. The last three being at the end of Smith Street on Argyle Street.

For personal reasons a short term property at 36 Smith St, just opposite, has reverted to long term rental so there are no other short stay properties in the area.

My current tenants have mostly two vehicles each and statistics show that parking availability will increase with visitors

occupying the properties and as Smith Street is quite narrow this will be more beneficial for other residents

No. 43 - I have just purchased and it will be vacant on the 31/1/23.

No. 45 - Is empty and I am currently renovating as it was completely trashed by the last tenant - refer the Mercury 5/8/22.

No. 47 - My son lived in but it is now vacant and I am also doing some renovations

No's 49, 51 - 53 are currently tenanted but the tenants will be leaving when their leases expire due to rents being too high now as a result of Land Tax increasing by nearly 300% and also the rising interest rates.

These terrace houses are heritage and apart from No. 43 I have been restoring them to their original state as per Heritage Tas guidelines and I feel these would not only be a great asset as visitor accommodation to North Hobart but a lovely experience for tourists showcasing our beautiful heritage.

Please do not hesitate to contact me if you have any further queries.

Kind regards

Kim Woodcock

**PLN-22-830**

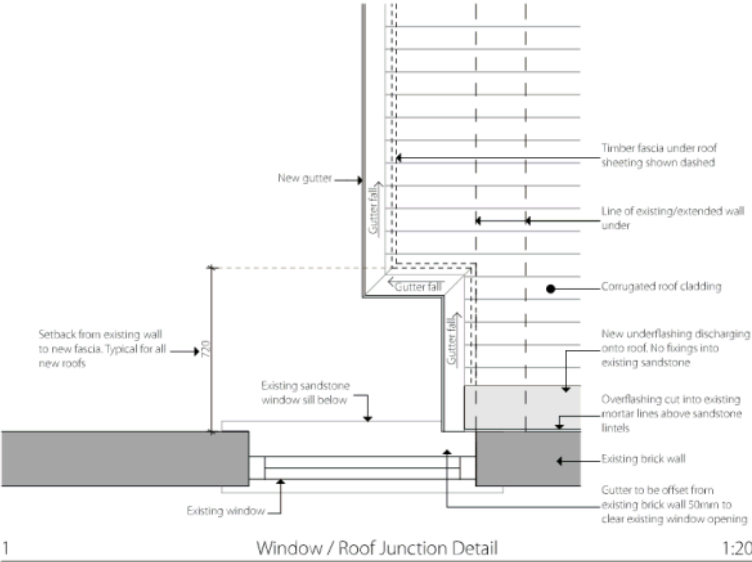
1. Please confirm if the current application also includes internal alterations to the main sections of some or all of the terrace houses:

I confirm that this application does not include any internal alterations or physical changes to any of the terrace houses.

2. If further work to some or all of the terrace houses is proposed, please provide revised drawings showing the existing and proposed floor plans as necessary and a detailed scope of work for each house. Sufficient information must be provided to an assessment of the impact of the proposed works.

Not applicable as no work is proposed.





drawing scale 1:20  
0mm 200 400 600 800 1,000

**stuartsmith**  
architecture & design

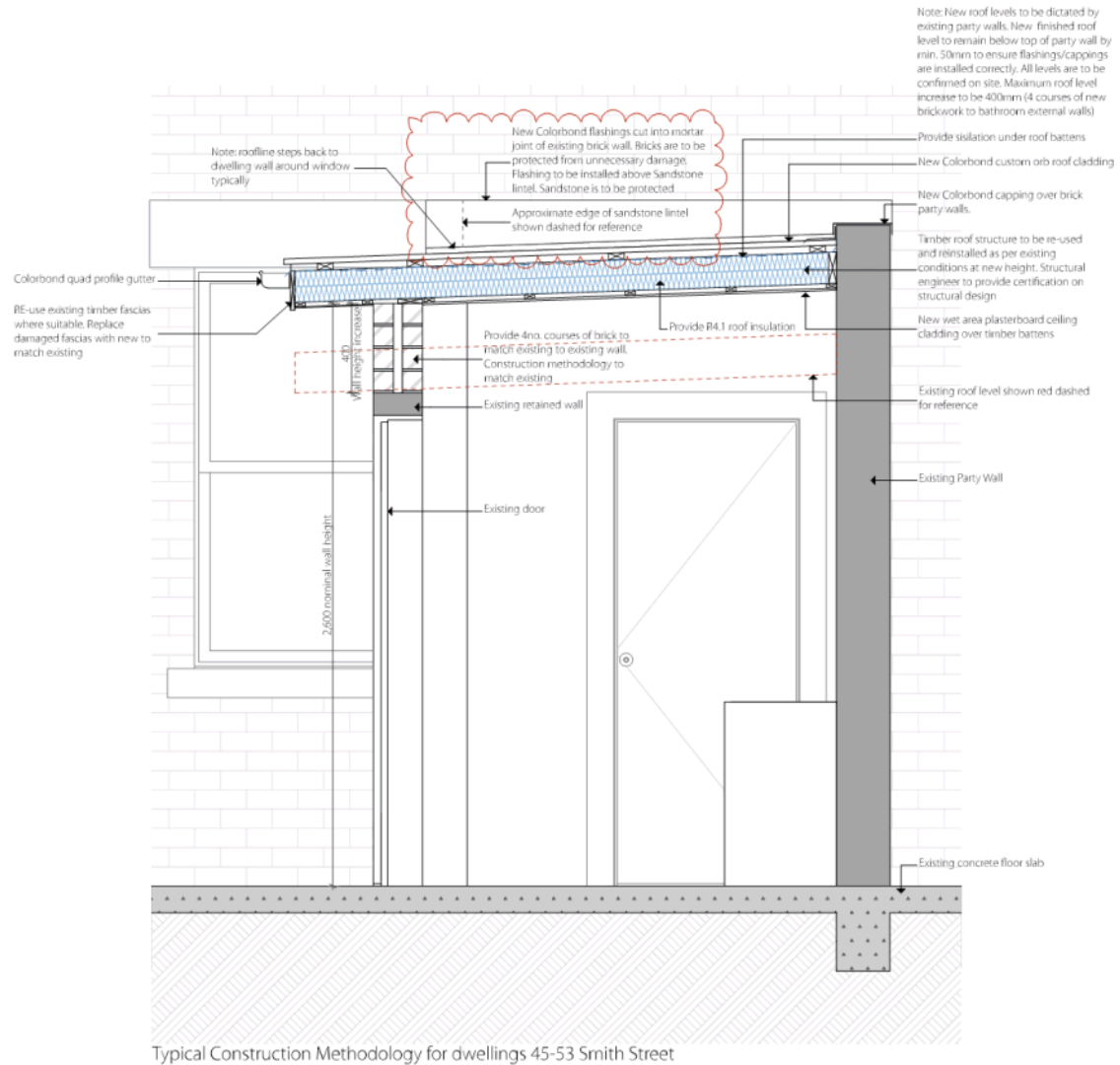
project name  
**Bathroom Roof Extensions**  
client  
**K. Woodcock**  
site address  
**45-53 Smith Street, North Hobart**

office project number  
**23001**  
nominated architect  
**Stuart Smith**

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project stage  
**Preliminary**  
accreditation number  
**CC6350**

drawing title  
**Typical Roof to Window Connection**  
drawing size  
**A3**  
issue date  
**17/2/2023**  
drawing number  
**A212**  
revision  
**P1**



drawing scale 1:20

**stuartsmith**  
architecture & design

project name  
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project stage  
**Preliminary**  
accreditation number  
**CC6350**

drawing size  
**A3**  
issue date  
**17/2/2023**

drawing title  
**Detailed Section**  
drawing number  
**A211**  
revision  
**P2**



Floor Plan Legend

All works to be undertaken in accordance with the National Construction Code 2019 and relevant Australian Standards.

The contractor shall check all dimensions and levels on site prior to construction and notify of any errors, discrepancies or omissions.


Written dimensions to take preference over scaled dimensions.

Contractor must verify and check all site conditions including ceiling heights and all dimensions before commencing work on site.

All drawings to be read in conjunction with structural engineering advice, drawings and specifications.

**Permit Authorities**

Refer to building permit conditions in respect to all works. Ensure compliance with all council regulations and guidelines.



project name  
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abn 23 756 092 576 | 30 deater drive, mount nunnery 7170 | info@stuartsmith.com.au

project stage  
**Preliminary**

accreditation number  
**CC6350**

drawing title  
**Proposed Ground Floor Plan**


drawing size  
**A3**


issue date  
**17/2/2023**

drawing number  
**A120**

revision  
**P2**

drawing scale  
**1:100**







### Floor Plan Legend

All works to be undertaken in accordance with the National Construction Code 2019 and relevant Australian Standards.

The contractor shall check all dimensions and levels on site prior to construction and notify of any errors, discrepancies or omissions.

Written dimensions to take preference over scaled dimensions.

Contractor must verify and check all site conditions including ceiling heights and all dimensions before commencing work on site.

All drawings to be read in conjunction with structural engineering advice, drawings and specifications.

### Permit Authorities

Refer to building permit conditions in respect to all works. Ensure compliance with all council regulations and guidelines.

### Roof Plan Legend

Metal sheet roofing is to comply with part 3.5.1.3 of the BCA. Whenever possible, have the sheets laid so that the side lap is facing away from the prevailing weather.

Double sided aluminium foil sarking on galvanised bird wire (or similar) as required. Sarking shall be continuous over hips and ridges and dressed over and into eaves gutters and valleys.

Roof sheets must be laid where ever possible using complete lengths from ridge to eaves.

Sheet metal roof flashings, capping and flashing of penetrations are to comply with part 3.5.1.3(g) and (h) of the BCA. All UPVC downpipes to be jointed with approved solvent and primer.

Downpipes in positions shown to size stated on drawings. Provide full lengths where possible with wall straps as required. Seal into drain.

Refer to engineers details for structural roof framing.



drawing scale  
1:100



**stuartsmith**  
architecture & design

project name  
**Bathroom Roof Extensions**  
client  
**K. Woodcock**  
site address  
**45-53 Smith Street, North Hobart**

office project number  
**23001**  
nominated architect  
**Stuart Smith**

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 abn 23 756 092 576 | 30 deater drive, mount nunnery 7170 | info@stuartsmith.com.au

project stage  
**Preliminary**  
accreditation number  
**CC6350**

drawing size  
**A3**  
issue date  
**17/2/2023**

drawing title  
**Proposed First Floor Plan**  
drawing number  
**A121**  
revision  
**P2**



## RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



## SEARCH OF TORRENS TITLE

VOLUME	FOLIO
133075	0
EDITION	DATE OF ISSUE
1	30-Nov-1999

SEARCH DATE : 15-Nov-2022

SEARCH TIME : 02.35 PM

DESCRIPTION OF LAND

City of HOBART

The Common Property for Strata Scheme 133075

Derivation : Part of 33 Perches Gtd. to T.R. Wilson.

Prior CT 222202/1

SCHEDULE 1STRATA CORPORATION NO. 133075, 46-56 GEORGE STREET & 43-53  
SMITH STREET, NORTH HOBARTSCHEDULE 2Reservations and conditions in the Crown Grant if any  
C146424 APPLICATION by owners to amend strata plan amending  
the common boundary on the ground floor between Lots  
50 & 52. Registered 21-Feb-2000 at noonUNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



## CERTIFICATE OF TITLE

LAND TITLES ACT 1980



TASMANIA

## TORRENS TITLE

VOLUME		FOLIO
133075		43
EDITION	DATE OF ISSUE	
7	24-Jan-2023	
Page 1		of 1

I certify that the person described in Schedule 1 is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries specified in Schedule 2 and to any additional entries in the Folio of the Register.

Recorder of Titles

DESCRIPTION OF LAND

City of HOBART  
Lot 43 on Strata Plan 133075 and a general unit entitlement operating for all purposes of the Strata Scheme being a 10 undivided 1/120 interest  
Derived from Strata Plan 133075  
Derivation : Part of 33 Perches Gtd, to T.R. Wilson.

SCHEDULE 1

N110102 TRANSFER to KIM NARETA WOODCOCK Registered  
24-Jan-2023 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
The registered proprietor holds the lot and unit entitlement subject to any interest noted on common property  
Folio of the Register volume 133075 folio 0

I certify this document to be a

true & correct copy of the original

sighted by me on... 30/1/2023

Abigayle Janice Singles  
Legal Practitioner  
Abetz Curtis  
83 Davey Street  
HOBART TAS 7000

WARNING: BEFORE DEALING WITH THIS LAND SEARCH THE CURRENT FOLIO OF THE REGISTER

**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME 133075	FOLIO 45
EDITION 3	DATE OF ISSUE 03-Nov-2011

SEARCH DATE : 02-Dec-2022

SEARCH TIME : 12.31 PM

DESCRIPTION OF LAND

City of HOBART

Lot 45 on Strata Plan 133075 and a general unit entitlement  
operating for all purposes of the Strata Scheme being a 10  
undivided 1/120 interest

Derived from Strata Plan 133075

Derivation : Part of 33 Perches Gtd. to T.R. Wilson.

SCHEDULE 1C325688 TRANSFER to ROBERT STEPHEN WOODCOCK and KIM NARETA  
WOODCOCK Registered 22-Nov-2001 at noonSCHEDULE 2

Reservations and conditions in the Crown Grant if any

The registered proprietor holds the lot and unit entitlement  
subject to any interest noted on common property

Folio of the Register volume 133075 folio 0

D34142 MORTGAGE to Westpac Banking Corporation Registered  
03-Nov-2011 at 12.01 PMUNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



## RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



## SEARCH OF TORRENS TITLE

VOLUME 133075	FOLIO 47
EDITION 3	DATE OF ISSUE 03-Nov-2011

SEARCH DATE : 02-Dec-2022

SEARCH TIME : 12.32 PM

DESCRIPTION OF LAND

City of HOBART

Lot 47 on Strata Plan 133075 and a general unit entitlement  
operating for all purposes of the Strata Scheme being a 10  
undivided 1/120 interest

Derived from Strata Plan 133075

Derivation : Part of 33 Perches Gtd. to T.R. Wilson.

SCHEDULE 1C325687 TRANSFER to ROBERT STEPHEN WOODCOCK and KIM NARETA  
WOODCOCK Registered 22-Nov-2001 at noonSCHEDULE 2

Reservations and conditions in the Crown Grant if any

The registered proprietor holds the lot and unit entitlement  
subject to any interest noted on common property

Folio of the Register volume 133075 folio 0

D34143 MORTGAGE to Westpac Banking Corporation Registered  
03-Nov-2011 at 12.01 PMUNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME 133075	FOLIO 49
EDITION 4	DATE OF ISSUE 03-Nov-2011

SEARCH DATE : 02-Dec-2022

SEARCH TIME : 12.33 PM

DESCRIPTION OF LAND

City of HOBART

Lot 49 on Strata Plan 133075 and a general unit entitlement  
operating for all purposes of the Strata Scheme being a 10  
undivided 1/120 interest

Derived from Strata Plan 133075

Derivation : Part of 33 Perches Gtd. to T.R. Wilson.

SCHEDULE 1C304466 TRANSFER to ROBERT STEPHEN WOODCOCK and KIM NARETA  
WOODCOCK Registered 03-Oct-2001 at noonSCHEDULE 2

Reservations and conditions in the Crown Grant if any

The registered proprietor holds the lot and unit entitlement  
subject to any interest noted on common property

Folio of the Register volume 133075 folio 0

D27000 MORTGAGE to Westpac Banking Corporation Registered  
03-Nov-2011 at 12.01 PMUNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

**CERTIFICATE OF TITLE**

LAND TITLES ACT 1980



TASMANIA

**TORRENS TITLE**

VOLUME		FOLIO
133075		51
EDITION	DATE OF ISSUE	
6	13-Aug-2021	
Page 1		of 1

I certify that the person described in Schedule 1 is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries specified in Schedule 2 and to any additional entries in the Folio of the Register.

Recorder of Titles

DESCRIPTION OF LAND

City of HOBART  
Lot 51 on Strata Plan 133075 and a general unit entitlement  
operating for all purposes of the Strata Scheme being a 10  
undivided 1/120 interest  
Derived from Strata Plan 133075  
Derivation : Part of 33 Perches Gtd. to T.R. Wilson.

SCHEDULE 1

C304466 TRANSFER to ROBERT STEPHEN WOODCOCK and KIM NARETA  
WOODCOCK Registered 03-Oct-2001 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
The registered proprietor holds the lot and unit entitlement  
subject to any interest noted on common property  
Folio of the Register volume 133075 folio 0

**WARNING: BEFORE DEALING WITH THIS LAND SEARCH THE CURRENT FOLIO OF THE REGISTER**

**CERTIFICATE OF TITLE**

LAND TITLES ACT 1980



TASMANIA

**TORRENS TITLE**

VOLUME		FOLIO
133075		53
EDITION	DATE OF ISSUE	
6	13-Aug-2021	
Page 1		of 1

I certify that the person described in Schedule 1 is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries specified in Schedule 2 and to any additional entries in the Folio of the Register.

Recorder of Titles

DESCRIPTION OF LAND

City of HOBART  
Lot 53 on Strata Plan 133075 and a general unit entitlement  
operating for all purposes of the Strata Scheme being a 10  
undivided 1/120 interest  
Derived from Strata Plan 133075  
Derivation : Part of 33 Perches Gtd. to T.R. Wilson.

SCHEDULE 1

C304466 TRANSFER to ROBERT STEPHEN WOODCOCK and KIM NARETA  
WOODCOCK Registered 03-Oct-2001 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
The registered proprietor holds the lot and unit entitlement  
subject to any interest noted on common property  
Folio of the Register volume 133075 folio 0

**WARNING: BEFORE DEALING WITH THIS LAND SEARCH THE CURRENT FOLIO OF THE REGISTER**



<h1 style="margin: 0;">STRATA PLAN</h1> <p style="margin: 0;">SHEET 4 OF 4 SHEETS</p>		REGISTERED NUMBER <h2 style="margin: 0;">133075</h2>	
NAME OF BODY CORPORATE: 46-56 George Street & 43-53 Smith Street North Hobart			
ADDRESS FOR THE SERVICE OF NOTICES: 46-56 George Street & 43-53 Smith Street North Hobart Tasmania 7000.			
<b>SURVEYORS CERTIFICATE</b>  I, <u>M. De Wall</u> of <u>Tasmania</u> <u>Anthony Mack Pearce</u> a surveyor registered under the Land Surveyors Act 1909 certify that the building erected on the site and drawn on sheet 1 of this plan is within the external boundaries of the folio stated on sheet 1.   <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">   <u>M. De Wall</u>              Registered Surveyor           </div> <div style="text-align: center;"> <u>19.10.1999</u>              date           </div> <div style="text-align: center;"> <u>B257M</u>              ref no           </div> </div>	<b>COUNCIL CERTIFICATE</b>  I certify that the <u>NORTH HOBART CITY</u> Council has: (a) approved the lots shown in this plan and (b) issued this certificate of approval in accordance with section 31 of the Strata Titles Act 1998.   <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;"> <u>[Signature]</u>  <u>Council Delegate SURVEYING</u> </div> <div style="text-align: center;"> <u>19.10.1999</u>              date           </div> <div style="text-align: center;"> <u>5673669</u>              ref no           </div> </div>		
<b>GENERAL UNIT ENTITLEMENTS</b>			
	LOT	UNIT ENTITLEMENT	
	43	#	10
	45	#	10
	46	#	10
	47	#	10
	48	#	10
	49	#	10
	50	#	10
	51	#	10
	52	#	10
	53	#	10
	54	#	10
	56	#	10
<b>TOTAL</b>			<b>120</b>



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



CITY/TOWN Hobart SUBURB/LOCALITY FOLIO REFERENCE C.T. 222202-1 SITE COMPRISES THE WHOLE OF LOT 1 ON PLAN No. <del>P.222202</del> P.133074		STRATA PLAN (AMENDED) SHEET 1 OF 4 SHEETS		Registered Number <b>133075</b>
NAME OF STRATA SCHEME 46-56 George Street & 43-53 Smith Street, North Hobart		STRATA TITLES ACT 1998 REGISTERED 30 NOV 1999 <i>U. H. B. J.</i> Recorder of Titles.		
MAPSHEET MUNICIPAL CODE No. 114 (5225-42)	LAST UPI No. 2103659	SCALE 1:150	LENGTHS IN METRES	

**SITE PLAN**

**GEORGE STREET**

**SMITH STREET**

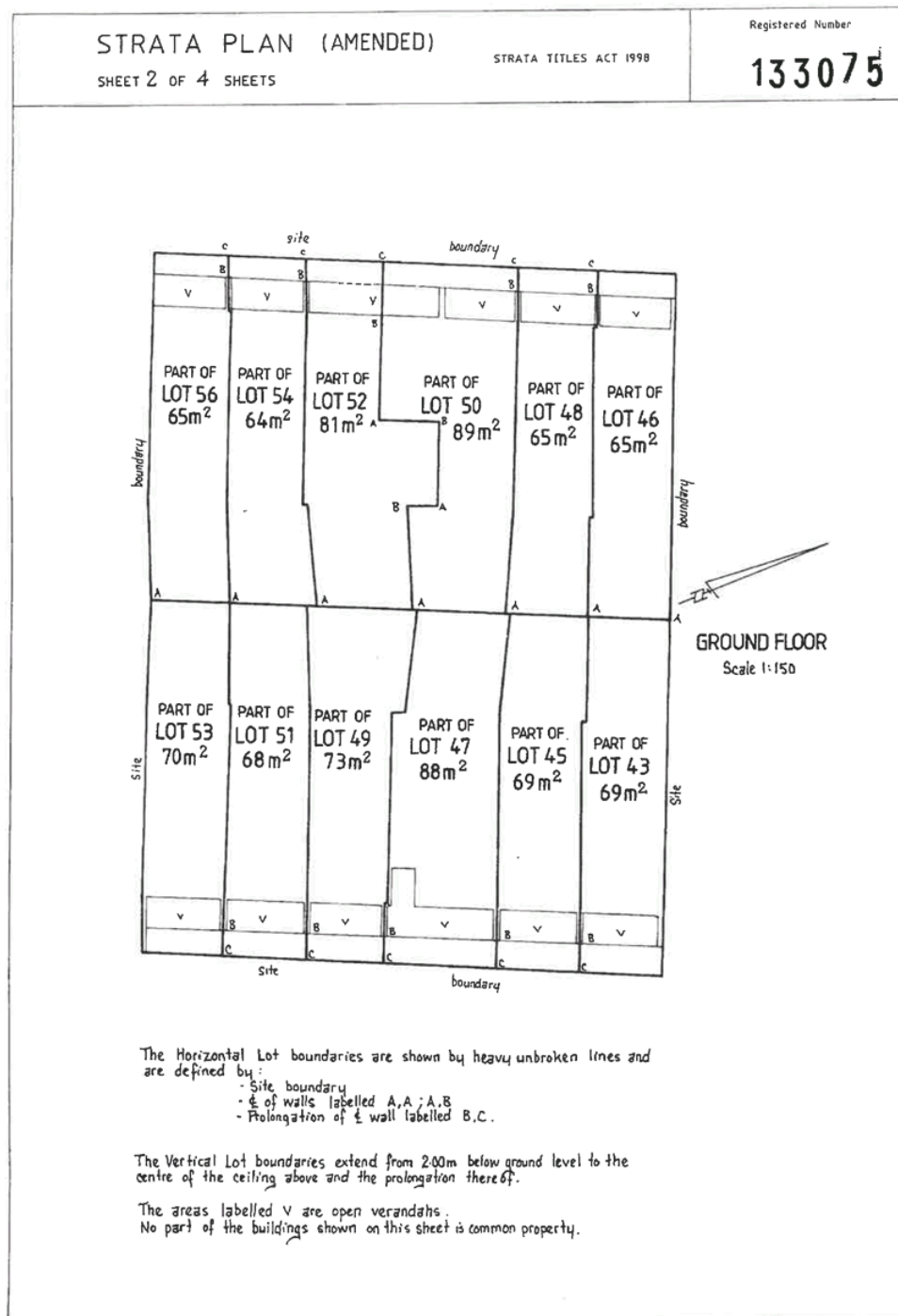
NOTES: (i) ALL BUILDINGS ON THE SITE TO BE SHOWN ON SHEET 1. (ii) BUILDING TO SITE BOUNDARY OFFSETS OF LESS THAN 2.00 METRES TO BE SHOWN ON SHEET 1.	STAGED/COMMUNITY DEVELOPMENT SCHEME No. (IF APPLICABLE)  LODGED BY Peacock, Darcey & Anderson Pty. Ltd.
--	--



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

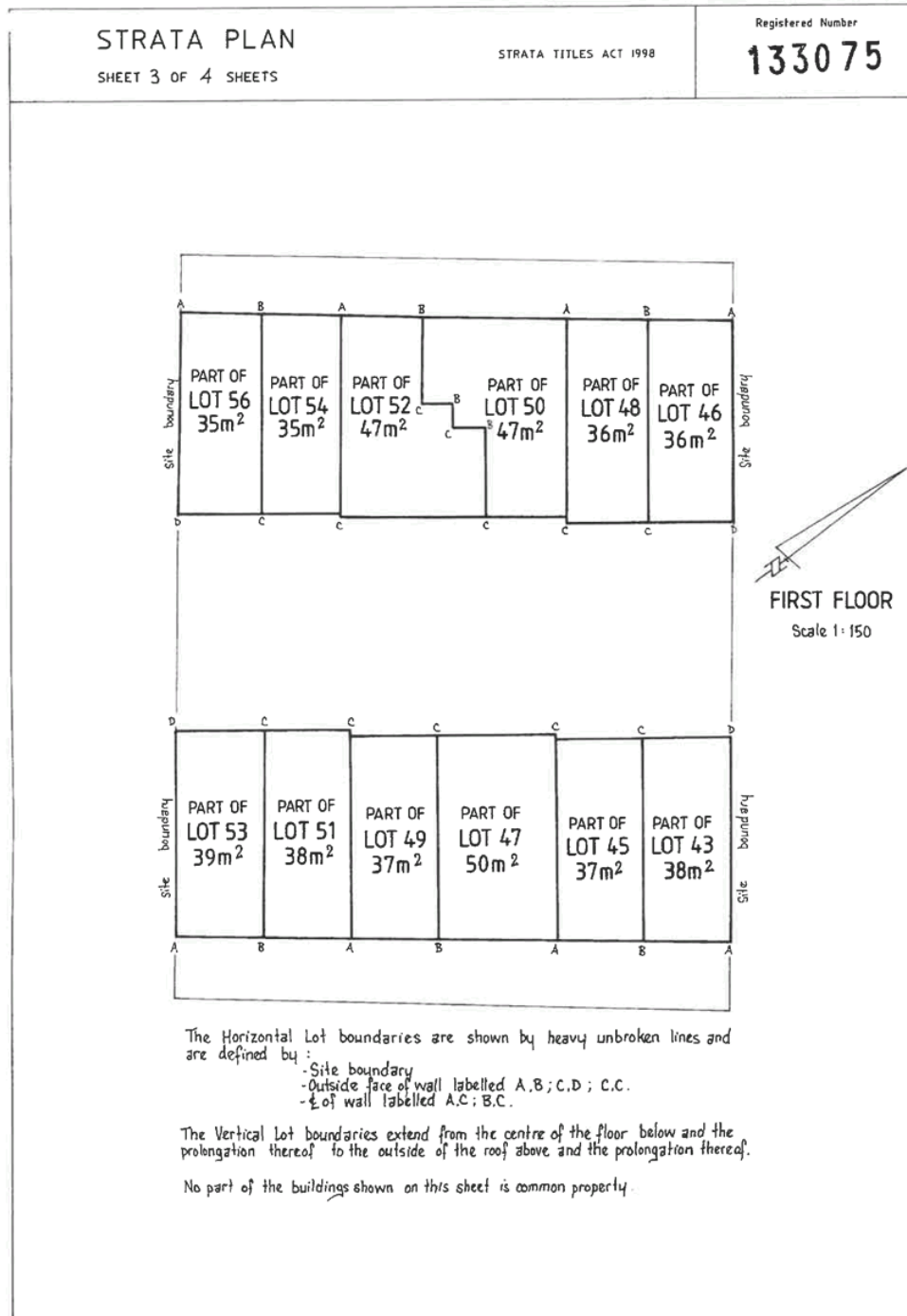




## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



## **7. REPORTS**

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### **7.1 City Planning - Advertising Report File Ref: F23/38479**

---

Report of the Director City Life of 24 April 2023 and attachment.

Delegation: Committee





City of **HOBART**

**MEMORANDUM: PLANNING COMMITTEE**

**City Planning - Advertising Report**

Attached is the advertised applications list for the period 5 April 2023 to 18 April 2023.

**RECOMMENDATION**

***That the City Planning – Advertsing Report, be received and noted.***

*As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.*

Neil Noye  
**DIRECTOR CITY LIFE**

Date: 24 April 2023  
File Reference: F23/38479

Attachment A: Planning - Advertised Applications Report ↓

No	Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
1	PLN-23-171	12 / 10 WATERWORKS ROAD	DYNNYRNE	Change of Use to Visitor Accommodation	\$0	15/05/2023	langd	Director	17/04/2023	02/05/2023
2	PLN-22-177	3 A SCOTT STREET	GLEBE	Partial Demolition and Alterations	\$180,000	11/05/2022	maxwellv	Director	12/04/2023	27/04/2023
3	PLN-22-365	116 - 138 CAMPBELL STREET	HOBART	Partial Demolition, Alterations, Extension, Change of Use to Bulky Goods Sales, Signage, and Subdivision (Boundary Adjustment)	\$2,000,000	09/05/2023	ikinb	Director	12/04/2023	27/04/2023
4	PLN-22-372	15 - 19 WARWICK STREET	HOBART	Partial Demolition, Alterations, Extension, and Signage	\$1,950,000	20/07/2022	maxwellv	Director	13/04/2023	28/04/2023
5	PLN-23-62	39 - 41 DAVEY STREET	HOBART	Partial Demolition and Alterations	\$1,200,000	28/03/2023	maxwellv	Director	12/04/2023	27/04/2023
6	PLN-23-147	1 / 79 GOULBURN STREET	HOBART	Partial Demolition and Alterations	\$10,000	05/05/2023	baconr	Director	05/04/2023	22/04/2023
7	PLN-23-158	8 / 12 WILMOT STREET	HOBART	Change of Use to Visitor Accommodation	\$0	11/05/2023	maxwellv	Director	06/04/2023	23/04/2023

No	Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
8	PLN-23-166	74 - 76 ELIZABETH STREET	HOBART	Partial Demolition and Alterations	\$100,000	15/05/2023	sherriffc	Director	13/04/2023	28/04/2023
9	PLN-23-165	59 - 63 LIVERPOOL STREET	HOBART	Signage	\$0	15/05/2023	baconr	Director	14/04/2023	29/04/2023
10	PLN-23-179	91 - 95 MURRAY STREET	HOBART	Partial Demolition and Alterations	\$915,000	17/05/2023	burkedan	Director	14/04/2023	18/04/2023
11	PLN-22-390	270 C LENA VALLEY ROAD	LENA VALLEY	Two Multiple Dwellings	\$850,000	04/05/2023	smeea	Director	18/04/2023	03/05/2023
12	PLN-23-121	66 PIRIE STREET	NEW TOWN	Partial Demolition, Alterations, Extension, and Garage	\$80,000	27/04/2023	burkedan	Director	06/04/2023	23/04/2023
13	PLN-22-845	231 CAMPBELL STREET	NORTH HOBART	Flood Mitigation and Associated Works	\$270,000	16/05/2023	smeea	Director	18/04/2023	03/05/2023
14	PLN-23-46	278 ARGYLE STREET	NORTH HOBART	Subdivision (Boundary Adjustment)	\$0	20/03/2023	ayersh	Director	05/04/2023	22/04/2023
15	PLN-23-100	4 RYDE STREET	NORTH HOBART	Partial Demolition and Alterations	\$80,000	06/05/2023	smeea	Director	18/04/2023	03/05/2023
16	PLN-23-103	16 ELLINGTON ROAD	SANDY BAY	Alterations to Driveway	\$100,000	19/04/2023	maxwellv	Director	05/04/2023	22/04/2023
17	PLN-23-117	113 PRINCES STREET	SANDY BAY	Alteration (Awning)	\$27,401	25/04/2023	baconr	Director	05/04/2023	22/04/2023

No	Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
18	PLN-23-135	1 / 455 CHURCHILL AVENUE	SANDY BAY	Change of Use to Visitor Accommodation	\$0	03/05/2023	nolanm	Director	13/04/2023	28/04/2023
19	PLN-23-136	28 AOTEA ROAD	SANDY BAY	Alterations to Previously Approved Development (Deck Balustrades)	\$0	03/05/2023	sherriffc	Director	06/04/2023	23/04/2023
20	PLN-23-151	45 RED CHAPEL AVENUE	SANDY BAY	Partial Demolition and Alterations to Access and Parking	\$50,000	09/05/2023	burkedan	Director	13/04/2023	28/04/2023
21	PLN-23-125	420 STRICKLAND AVENUE	SOUTH HOBART	Partial Demolition, Alterations, and Extension for Ancillary Dwelling	\$170,000	28/04/2023	baconr	Director	06/04/2023	23/04/2023
22	PLN-23-170	18 BROWNE STREET	WEST HOBART	Extension	\$25,000	15/05/2023	smeea	Director	17/04/2023	02/05/2023

**7.2 Delegated Decision Report (Planning)**  
**File Ref: F23/42559**

---

Report of the Director City Life of 28 April 2023 and attachment.

Delegation: Committee



City of **HOBART**

**MEMORANDUM: PLANNING COMMITTEE**

**Delegated Decision Report (Planning)**

Attached is the delegated planning decisions report for the period 7 April 2023 to 26 April 2023.

**RECOMMENDATION**

***That the Delegated Decision Report (Planning), be received and noted.***

*As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.*

Neil Noye  
**DIRECTOR CITY LIFE**

Date: 28 April 2023  
File Reference: F23/42559

Attachment A: Delegated Decision Report (Planning) ↓ 

27 April 2023

**Delegated Decisions Report (Planning)**

22 applications found.

					Approved	All
Planning Description	Address	Works Value	Decision	Authority		
PLN-22-206 Partial Demolition, Alterations, Extension, Two Multiple Dwellings (One Existing, One New), One New Visitor Accommodation Unit, Outbuilding, Front Fencing, and Associated Works	598 HUON ROAD SOUTH HOBART TAS 7004	\$ 1,000,000	Approved	Delegated		
PLN-22-604 Dwelling	38A ROSEHILL CRESCENT LENA VALLEY TAS 7008	\$ 300,000	Approved	Delegated		
PLN-22-819 Partial Change of Use to Vehicle Parking and Signage	103 MELVILLE STREET HOBART TAS 7000	\$ 0	Approved	Delegated		
PLN-22-825 Outbuilding	1/11A DALY ROAD LENA VALLEY TAS 7008	\$ 12,000	Approved	Delegated		
PLN-22-828 Partial Demolition, Alterations, and Extension for Ancillary Dwelling	11 HOPE STREET NEW TOWN TAS 7008	\$ 150,000	Approved	Delegated		
PLN-23-107 Signage	179 MACQUARIE STREET HOBART TAS 7000	\$ 0	Approved	Delegated		
PLN-23-111 Partial Demolition and Alterations (Lift)	648 SANDY BAY ROAD SANDY BAY TAS 7005	\$ 100,000	Approved	Delegated		
PLN-23-112 Signage and Extension to Operating Hours	18-20 ASHFIELD STREET SANDY BAY TAS 7005	\$ 0	Approved	Delegated		
PLN-23-116 Change of Use to Visitor Accommodation	51/1 COLLINS STREET HOBART TAS 7000	\$ 20,000	Approved	Delegated		
PLN-23-117 Alteration (Awning)	113 PRINCES STREET SANDY BAY TAS 7005	\$ 27,401	Approved	Delegated		
PLN-23-125 Partial Demolition, Alterations, and Extension for Ancillary Dwelling	420 STRICKLAND AVENUE SOUTH HOBART TAS 7004	\$ 170,000	Approved	Delegated		
PLN-23-147 Partial Demolition and Alterations	1/79 GOULBURN STREET HOBART TAS 7000	\$ 10,000	Approved	Delegated		
PLN-23-149 Subdivision (Boundary Adjustment)	10A WENTWORTH STREET SOUTH HOBART TAS 7004	\$ 0	Approved	Delegated		
PLN-23-164 Subdivision (Boundary Adjustment)	8 MELLIFONT STREET WEST HOBART TAS 7000	\$ 100	Approved	Delegated		
PLN-23-176 Subdivision (Boundary Adjustment)	34 WATERWORKS ROAD DYNMYRNE TAS 7005	\$ 0	Approved	Delegated		
PLN-23-181 Alterations & Proposed Change of Use to Food Services	40-50 MOLLE STREET HOBART TAS 7000	\$ 50,000	Approved	Delegated		
PLN-23-23 Partial Demolition, Front Fence, Alterations, and Extension for Three Multiple Dwellings (Three Existing)	36 WATERLOO CRESCENT BATTERY POINT TAS 7004	\$ 900,000	Approved	Delegated		
PLN-23-46 Subdivision (Boundary Adjustment)	278 ARGYLE STREET NORTH HOBART TAS 7000	\$ 0	Approved	Delegated		
PLN-23-54 Partial Demolition, Alterations, and Extension	38 CROSS STREET NEW TOWN TAS 7008	\$ 550	Approved	Delegated		
PLN-23-78 Partial Demolition, Alterations, and Extension	3 HAIG STREET LENA VALLEY TAS 7008	\$ 760,000	Approved	Delegated		
PLN-23-98 Alterations to Carparking Layout	62 PATRICK STREET HOBART TAS 7000	\$ 0	Approved	Delegated		
PLN-23-99 Partial Demolition, Alterations, and Garage	27 TOWER ROAD NEW TOWN TAS 7008	\$ 50,000	Approved	Delegated		

CITY OF HOBART

**8. RESPONSES TO QUESTIONS WITHOUT NOTICE**

---

Regulation 29(3) *Local Government (Meeting Procedures) Regulations 2015*.  
File Ref: 13-1-10

**The Chief Executive Officer reports:-**

"In accordance with the procedures approved in respect to Questions Without Notice, the following responses to questions taken on notice are provided to the Committee for information.

The Committee is reminded that in accordance with Regulation 29(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chairman is not to allow discussion or debate on either the question or the response."

**8.1 Land Tax****File Ref: F23/34080; 13-1-10**

---

Report of the Manager Rates, Procurement and Risk of 3 May 2023.

*That the information be received and noted.*

Delegation: Committee





City of **HOBART**

**MEMORANDUM: LORD MAYOR  
DEPUTY LORD MAYOR  
ELECTED MEMBERS**

## **LAND TAX**

**Meeting: Planning Committee**

**Meeting date: 29 March 2023**

**Raised by:** Councillor Lohberger

**Question:**

Can the Director confirm if the level of land tax has risen by 300% for the properties subject to the planning application at 43-53 Smith Street North Hobart?

**Response:**

Land tax is a State government tax. Accordingly the City of Hobart doesn't have responsibility for it and hence can't comment on the level of land tax payable on properties not owned by the City.

However, in 2021 and again in 2022 the State Government made changes to land tax rates and thresholds to ease the cost of land tax for property owners. These changes are as follows:

- The tax-free threshold for land tax increased from \$25,000 as at 30 June 2021 to \$50,000 as at 1 July 2021 and to \$100,000 from 1 July 2022;
- The upper land-tax bracket increased from \$350,000 as at 30 June 2021 to \$400,000 as at 1 July 2021 and to \$500,000 from 1 July 2022; and
- The land tax rate for land valued between \$100,000 and \$499,999.99 reduced from 0.55 per cent to 0.45 per cent from 1 July 2022.

In terms of Council owned properties, the changes made to land tax rates and thresholds materially offset the increases that would have occurred to the City's land tax amount payable as a result of the increase in land values that resulted from the 2021 municipal area revaluation.

*As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.*

A handwritten signature in blue ink that reads "Lara A. MacDonell".

Lara MacDonell

**MANAGER RATES, PROCUREMENT  
AND RISK**

Date: 28 April 2023  
File Reference: F23/34080; 13-1-10

## 9. QUESTIONS WITHOUT NOTICE

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Regulation 29 of the *Local Government (Meeting Procedures) Regulations 2015*.  
File Ref: 13-1-10

- (1) *A councillor at a meeting may ask a question without notice –
  - (a) of the chairperson; or
  - (b) through the chairperson, of –
    - (i) another councillor; or
    - (ii) the general manager.*
- (2) *In putting a question without notice at a meeting, a councillor must not –
  - (a) offer an argument or opinion; or
  - (b) draw any inferences or make any imputations – except so far as may be necessary to explain the question.*
- (3) *The chairperson of a meeting must not permit any debate of a question without notice or its answer.*
- (4) *The chairperson, councillor or general manager who is asked a question without notice at a meeting may decline to answer the question.*
- (5) *The chairperson of a meeting may refuse to accept a question without notice if it does not relate to the activities of the council.*
- (6) *Questions without notice, and any answers to those questions, are not required to be recorded in the minutes of the meeting.*
- (7) *The chairperson of a meeting may require a councillor to put a question without notice in writing.*

## 10. CLOSED PORTION OF THE MEETING

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That the Committee resolve by 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 a Closed Committee Meeting
- Closed Questions Without Notice

The following items were discussed: -

- |            |  |
|------------|--|
| Item No. 1 | Minutes of the last meeting of the Closed Portion of the Committee Meeting |
| Item No. 2 | Consideration of supplementary items to the agenda                         |
| Item No. 3 | Indications of pecuniary and conflicts of interest                         |
| Item No. 4 | Questions Without Notice   |