

3 September 2015

The General Manager

Hobart City Council

GPO Box 503

HOBART TAS 7001

By email: representation@hobartcity.com.au

Dear Sir

HOBART INTERIM PLANNING SCHEME 2015 - REPRESENTATION

The Property Council of Australia (Tasmania) welcomes the opportunity to provide a representation and therefore input into the Hobart Interim Planning Scheme 2015 (**Interim Scheme**).

The Property Council of Australia is the peak representative body for Australia's property industry. Our members include major investors, property owners and developers as well as the industry's professional services and trade providers. In the context of the Hobart municipal area our members and their employees are your residents and your rate base.

The Property Council strongly supports the move towards a State-wide planning scheme and understands that the finalisation of the interim planning schemes across the State is an important step towards the completion of that project.

Prior comment

The Property Council has previously expressed concerns about the manner in which 'public consultation' has been undertaken concerning the draft Interim Planning Schemes. In July 2013 we provided comment in relation to the then publicly available versions of the draft Interim Schemes for the 12 councils in the South of Tasmania. That comment was assisted by briefings provided by Mr Damien Mackey, Project Manager for the Southern Tasmanian Regional Planning Project.

The breadth of material that was reviewed and discussed at this time was overwhelming. It was impossible to review the material in detail.

In some respects the same is true for the present Interim Scheme. However, we have faith that many of the drafting issues and inconsistencies between schemes that have previously been identified will be corrected through the introduction of the State-wide planning scheme process led by the Planning Reform Taskforce.

This submission therefore focuses on the decision of the Hobart City Council to incorporate 1,500 new properties within its Historic Heritage Code through this process.

Heritage reform

It is inherent in Council's decision to add 1,500 additional properties to your heritage code that you view the municipal area a heritage space. That heritage is to be given primacy over considerations such as promoting economic development is unsatisfactory in circumstances where affected property owners are not given adequate opportunity to be heard.

Many of the Property Council's members are likely to be unaware of the impact that the Interim Scheme has upon their properties.

It is of concern that heritage listing for 1,500 properties would be implemented through the Interim Scheme process, without specific notice to the effected property owners. While I understand that Council takes the view that it has done all that was legally required (a position that is not without challenge) it is fair to say that the new heritage status of many properties in the Hobart area has come as a shock to many affected owners.

The effect of listing 1,500 new properties within its Historic Heritage Code is that each affected owner is deprived of the possibility of a permitted pathway to the approval of future development. They are now obliged, for each and every proposal, to ensure that their designs conform to the heritage values of the property. For many owners this will necessitate the provision of expert advice, and preparation of reports in support of their proposals.

The Property Council does not support decisions which place onerous obligations on proponents to provide detailed information upfront.

The Property Council has previously written to you in relation to this issue. In response, Council has advised that *“any person may make a representation to Council against the listing stating the basis to any objection and why the property does not have scientific, aesthetic, architectural or historic interest or [is] otherwise special cultural value.”*

In a process whereby you have incorporated properties into Council’s Heritage Code without sufficient consultation that in any way drew people’s attention to the change, it is unfair and inappropriate for you to assert that it is incumbent upon the affected owners to negate your assertion of significance.

Significance is a matter for you to prove before the affected properties should be subjected to heritage controls. It is not an assertion that is taken at face value where no claims are made to the contrary.

By adopting your present approach, not only have you denied members of the public the opportunity to comment on how your proposed changes will impact them personally, you have denied yourselves the opportunity to be informed as to the true significance (or lack thereof) of these properties.

Further consultation is required and in the interim the Property Council maintains its call for the 1,500 places that were included in the historic heritage code under the Interim Planning Scheme to be removed.

Yours affably,



Brian Wightman

TAS Executive Director