



MEDIA STATEMENT

23 May 2017

Landowner consent granted for proposed hotel developments

Following receipt of legal advice regarding the Council's role under section 52 of the *Land Use Planning and Approvals Act*, the City of Hobart has confirmed that applications submitted on behalf of the Fragrance Group for landowner consent to lodge development applications for two proposed hotel developments has been granted.

Landowner consent was required for elements of the developments that are on or over Council-owned land.

The development at 28-30 Davey Street proposes a vehicle crossover within the Despard Street road reservation and the development at 2-6 Collins Street proposes alterations to the kerb, the relocation of bollards, changes to street lighting, an overhanging awning and louvres, and the removal of a street tree.

City of Hobart General Manager, Nick Heath said: "In exercising my statutory delegation, I am not legally able to take into account any planning issues associated with a development application. These issues can only be considered by the elected members of the Council, acting as the planning authority when that time comes."

"It is really important that members of the public understand that landowner consent to lodge a development application is just that, consent to lodge an application.

"Both these development applications will be subject to the usual statutory planning process in the future. They will be advertised and open for representations by the public during this time," said Mr Heath.

Summary of legal advice obtained:

- *Section 52 (1B)* of the *Land Use Planning and Approvals Act 1993* confers on the general manager (or his/ her delegate) the power to provide owner consent;
- The Council cannot direct or dictate to the general manager on this exercise of this statutory obligation, nor is the general manager bound by any council decision;
- The general manager can form an opinion taking into account relevant owner issues;

- The general manager should not take into account the planning issues associated with the development application itself. Such considerations are a matter for the planning authority alone;
- Conditions cannot be attached to the owner consent.

ENDS

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