

From: [REDACTED]
To: [Representation](#)
Subject: Submission for Draft Amendment PSA-25-3
Date: Tuesday, 14 July 2026 2:15:36 PM
Attachments: [HCC_PSA-25-3_Representation.pdf](#)

Good afternoon,

Please find attached a submission relating to this proposed draft amendment.

Warm regards

Fiona Britten | Manager, Curated and Corporate Stays

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Fiona Britten

[REDACTED], Trevallyn

6th July, 2026

The Chief Executive Officer

City of Hobart

GPO Box 503

Hobart TAS 7001

By email: representation@hobartcity.com.au

Re: Representation opposing Draft Amendment PSA-25-3 (HOB-S11.0 Hobart Visitor Accommodation Specific Area Plan)

This representation is made by me personally, in my capacity as a short-stay accommodation specialist with Harrison Agents. It does not represent a formal position of Harrison Agents. I also note that I am a board member of the Australia and New Zealand Short Term Rental Association (ASTRA), and have been recognised by the Real Estate Institute of Tasmania (REIT) for my contribution to the modernisation of residential tenancy legislation.

I make this representation in response to the public exhibition of Draft Amendment PSA-25-3 to the Tasmanian Planning Scheme – Hobart, exhibited from 19 June 2026 to 17 July 2026 in accordance with section 40G of the Land Use Planning and Approvals Act 1993 (the Act).

I oppose the draft amendment in its current form. This representation sets out why, in my view, the Planning Authority (the City of Hobart, in its capacity as planning authority under the Act) has not adequately demonstrated that Amendment PSA-25-3 satisfies the LPS criteria in section 34 of the Act, and identifies specific gaps and internal inconsistencies in the evidence base relied upon in the Planning Authority Report of 10 June 2026 and its attachments. This representation is made under section 40J of the Act. I ask that it, and the matters raised in it, be considered by the Planning Authority in its report to the Tasmanian Planning Commission under section 40K of the Act and, in due course, by the Commission in its assessment of the draft amendment.

Summary of Position

The stated purpose of the draft amendment is to limit the impact of Visitor Accommodation use on the availability and affordability of long-term housing while maintaining residential character. That is a legitimate planning objective, and I do not dispute that housing affordability pressure exists in Hobart.

I note at the outset that three categories of Visitor Accommodation are unaffected by the draft amendment: a dwelling that is the operator's primary residence, a secondary residence on the same site as that primary residence, and new development resulting in no net loss of dwellings. The first two remain available under Clause 4.1.6 of the State Planning Provisions; the third remains available under the draft SAP itself. My concern is narrower than the amendment as a whole, directed only at the category it does affect. On that

category, the Planning Authority's task is to demonstrate, on its own evidence, that the response it has chosen is proportionate to the market it targets. Whether it has done so is the question this representation tests.

The central question

Every reason set out below returns to that same question, now expressed in the terms section 34(2)(c) of the Act requires: not whether a housing supply problem exists, but whether the Planning Authority has demonstrated that removing all future non-primary-residence, whole-dwelling Visitor Accommodation approvals in these zones is a necessary and proportionate response to it. I submit that, on the material currently before the Planning Authority, that question has not been answered.

Overview of Reasons

In summary, this representation raises the following reasons why the Planning Authority has not yet demonstrated that Amendment PSA-25-3 satisfies the LPS criteria in section 34 of the Act:

- The Planning Authority's own official data undercuts the current-growth narrative used to justify the amendment, though the underlying stock remains relevant.
- Professor Phibbs' report establishes the scale of non-primary-residence Visitor Accommodation, but not that prohibition is a proportionate response to that scale.
- The evidence base does not engage with the most recent and most directly relevant research: AHURI Final Report No. 460, Short-term rental accommodation: models, impacts and policy responses.
- The planning system's own retained exemptions show that Visitor Accommodation is already treated as a heterogeneous category.
- The removal of the discretionary assessment pathway is asserted, not demonstrated, to be necessary.
- The Planning Authority has not demonstrated why its existing, escalating measures are insufficient before adopting the most restrictive available response.
- The cost-benefit analysis relies on an absorption assumption that sits in direct tension with the Planning Authority's own evidence on hotel capacity.

Reasons for Opposition

Reason 1: The Planning Authority's own official data undercuts the current-growth narrative, though the underlying stock remains relevant

The Planning Authority's own most current data does not support the accelerating-growth narrative used to justify this amendment, and the segment growing fastest is one the amendment does not touch at all.

The Planning Authority Report and its attachments (ERA Advisory report, SGS cost-benefit analysis, Professor Phibbs' report) argue there has been a material, ongoing increase in the conversion of long-term rental dwellings to whole-dwelling Visitor Accommodation, relying in part on the SGS report's own Council properties database (19 November 2025) and

Rentalscape data (26 November 2025). The State Government's own official quarterly Short Stay Accommodation reporting (Consumer, Building and Occupational Services (CBOS), Summary Statistics, 2026 Q1) sits uneasily with that framing. It shows that for Hobart:

- Secondary residence properties, the whole-dwelling, non-primary-residence category the draft amendment targets, total 726, an increase of only 7 properties (+0.97%) on the prior quarter.
- Primary residence properties, which remain exempt from the draft amendment under Clause 4.1.6 of the State Planning Provisions, total 1,170 and are both larger in number and faster growing, at +18 (+1.56%) on the prior quarter.
- Council's own retained economic consultant, SGS Economics and Planning, separately observes that the number of new visitor accommodation permit applications and approvals 'has levelled off over 2024 and 2025', suggesting this 'may be a sign that the market is saturated'. This is an independent concession, from within the Planning Authority's own supporting material, that recent growth in the targeted segment has not continued at the rate the 'material increase' narrative implies.

I do not suggest this shows the existing stock of 726 properties is too small to matter. The point is narrower: the Planning Authority's characterisation of an accelerating, ongoing conversion trend, in the very category it proposes to prohibit, is not supported by the most current official data available, nor by its own economic consultant. That gap between the narrative and the current data should be resolved before the Planning Authority relies on urgency or trend acceleration as part of its justification under section 34(2)(c).

Source: SGS Economics and Planning, Cost Benefit Analysis of Proposed SAP on STRA (19 March 2026), paras 7–8 (Council properties database, 19 November 2025; Rentalscape data, 26 November 2025) and para 12; Consumer, Building and Occupational Services (CBOS), Short Stay Accommodation Reporting – Summary Statistics, 2026 Q1 (Hobart LGA figures); ERA Advisory, Visitor Accommodation amendments to the Hobart LPS (1 April 2026), s.2.6.3 and s.5 (Conclusion).

Reason 2: Professor Phibbs' report establishes scale, but not that prohibition is the proportionate response to that scale

The ERA Advisory report concludes that 'the proposed amendment responds to these issues in a targeted and proportionate manner'. Professor Phibbs' report establishes that non-primary-residence Visitor Accommodation exists at a meaningful scale in Hobart, but it does not itself establish that claim: that prohibiting future approvals is a proportionate response to that scale.

I accept as accurate, and do not seek to dispute, two findings in Professor Phibbs' report. First, drawing on CBOS's own stock count (Phibbs Report, para 3.1.5), Hobart LGA has 586 non-primary-residence short-stay properties, up from 466 in the Q1 2020 CBOS data, an increase of 120. Second, from his own matched-sample analysis of Council permit records against property ownership data (paras 4.3.7- 4.3.10, Table 2), 319 of 613 properties with matched data (52%) had a long-term rental history, with 256 of 509 (50%) within the residential zones specifically.

What those figures do not demonstrate is:

- how many of these 586 properties, or what proportion of future conversions, would occur regardless of whether PSA-25-3 is introduced, as distinct from those genuinely deterred by it;
- how many additional dwellings would actually return to, or remain in, the long-term rental market as a result of prohibition, as opposed to being held vacant, sold, or used for purposes outside the rental market altogether; or
- why removing discretionary approval entirely is proportionate to the future risk identified, rather than being more restrictive than that risk requires.

Professor Phibbs' report itself cites research supporting the use of a Specific Area Plan as an appropriately localised mechanism, targeted at the Hobart LGA rather than applied statewide. I do not dispute that geographic targeting at the LGA level is reasonable. The proportionality gap identified here is a separate one: whether, having chosen to target the Hobart LGA, the Planning Authority has justified applying a single, undifferentiated prohibition to every whole-dwelling, non-primary-residence property within it, rather than a more calibrated response within that targeted area. On the evidence provided, that further step has not been demonstrated.

Source: ERA Advisory, Visitor Accommodation amendments to the Hobart LPS (1 April 2026), s.5 (Conclusion), s.2.7 and s.2.9; Professor Peter Phibbs, Short Term Rental Accommodation and its impact on the Hobart Rental Market (February 2026), paras 3.1.3, 3.1.5, and 4.3.7– 4.3.10, Table 2.

Reason 3: The evidence base does not engage with the most recent and most directly relevant research

The Planning Authority Report does not engage with the most directly relevant recent, Hobart-specific research available: AHURI Final Report No. 460, whose typology of short-term rental accommodation shows that non-primary-residence STRA is not a homogeneous category, a finding directly relevant to whether a single, undifferentiated prohibition is proportionate.

The Planning Authority Report states that its conclusions are 'informed by extensive background analysis'. That report was finalised on 10 June 2026, after AHURI Final Report No. 460, Short-term rental accommodation: models, impacts and policy responses (Gurran, Buckle, Troy, Nasreen, Crommelin, Phibbs, Shrestha, Redmond and Harrison, AHURI, May 2026), had already been published, yet it does not refer to or engage with that report anywhere. The ERA Advisory report, the SGS cost-benefit analysis, and Professor Phibbs' own report were each finalised before AHURI Report No. 460 was published, so their silence on it is unremarkable; the Planning Authority Report's silence is not, since it is the only document relied upon that had the opportunity to engage with it. Professor Phibbs' own report does separately engage with a different, earlier AHURI report (Lang et al., AHURI Final Report No. 451, 2025), showing this category of research was not overlooked generally, only the most recent and most directly relevant instance of it. This omission is significant on three counts:

- AHURI Report No. 460 was published in May 2026, before the Planning Authority Report was finalised on 10 June 2026, meaning it was available to be considered at the point the amendment was certified.

- Professor Peter Phibbs, whose separate report is Attachment C to the Planning Authority Report and is relied upon directly in the section 34(2)(c) assessment, is a co-author of AHURI Report No. 460. This does not establish that the Planning Authority was aware of the report. It does, however, mean that directly relevant research co-authored by the Planning Authority's retained expert was available before the Planning Authority Report was finalised.
- The report includes Hobart as one of seven detailed case study locations, with Hobart-specific data on multi-listing concentration, STRA as a proportion of rental stock, and trends in non-primary-residence STRA (Table 16, Table 25) that is more current and more granular than the data relied upon in the Planning Authority's own documents.

AHURI Report No. 460 sets out this typology across at least six owner/use types with materially different housing-market impacts, ranging from hosted home-share, through holiday homes retained mainly for owner use, to commercially operated investment portfolios. I do not suggest AHURI Report No. 460 prescribes a single correct policy response; the point is only that its typology has not been engaged with.

Source: AHURI Final Report No. 460, Short-term rental accommodation: models, impacts and policy responses (May 2026), Table 16 (s.3.2), Table 25 (s.3.5), Table 26 (s.4.1); Planning Authority Committee Report, Item 8.1 (10 June 2026) para 1.9; Professor Peter Phibbs, Report (18 February 2026), paras 3.1.1–3.1.2 and Appendix 2 (Curriculum Vitae).

Reason 4: The planning system's own retained exemptions show that Visitor Accommodation is already treated as a heterogeneous category

The planning system already treats Visitor Accommodation as a heterogeneous category, yet the draft amendment's own prohibition is inconsistent with that principle, applying uniformly to every non-primary-residence whole-dwelling property regardless of scale, history, or ownership structure.

The draft amendment retains the following features, none of which it seeks to modify:

- Clause 4.1.6 of the State Planning Provisions continues to exempt a dwelling used as the owner or occupier's main place of residence and only let while the owner or occupier is 'on vacation', with no minimum or maximum duration specified for that absence.
- Clause 4.1.6 also continues to exempt home-share arrangements where the owner remains resident and lets up to four bedrooms.
- The draft amendment continues to allow new Visitor Accommodation use as part of a new development in the residential zones, provided there is no net loss of residential dwellings.

I recognise that the first two exemptions arise under the State Planning Provisions, which the Planning Authority cannot itself amend through this process, and I do not suggest the Planning Authority has acted inconsistently by leaving them in place. The relevant point is a different one: taken together, these retained features show that the planning system as a whole already operates on the basis that Visitor Accommodation is not a single, undifferentiated use, drawing distinctions based on residency, scale, and development status. Given that principle is already accepted elsewhere in the instrument, its absence

from the operative provision is a relevant gap in the proportionality analysis required under section 34(2)(c).

Source: ERA Advisory, Visitor Accommodation amendments to the Hobart LPS (1 April 2026), s.3.1 ('The draft amendment'; Clause 4.1.6 exemptions and new-development provision).

Reason 5: The removal of the discretionary assessment pathway is asserted, not demonstrated, to be necessary

The draft amendment removes all discretionary assessment for non-primary-residence Visitor Accommodation, but the Planning Authority has not demonstrated that removing discretion entirely was necessary, as distinct from asserting that it was difficult to manage. Difficulty of administration is not, on its own, evidence of necessity, and section 34(2)(c) requires the latter.

Under the current State Planning Provisions, Visitor Accommodation remains a Permitted use in the Use Table for the General Residential, Inner Residential and Low Density Residential zones, and the draft amendment does not change that classification. What the draft amendment changes is the use standard beneath it. Tasmanian planning scheme use standards typically operate through two limbs: an acceptable solution (A1), a fixed test that guarantees approval without discretionary assessment if met, and performance criteria (P1), a more flexible test allowing approval on the merits where the acceptable solution is not met. The proposed A1/P1 standard offers only a narrow acceptable solution (primary residence use, secondary residence use, or new development with no net loss of dwellings) and, critically, no performance criteria, meaning there is no merit-based fallback pathway at all for anything outside that narrow solution. The ERA Advisory explanatory notes state the reason for this directly: 'Inclusion of a discretionary pathway is considered to undermine the intent of the SAP. The SAP arises because of the "cumulative" impact of Visitor Accommodation approvals in the relevant zones. Cumulative impact is highly difficult to manage through assessment of individual small scale applications.'

The practical effect is that any whole-dwelling, non-primary-residence property falling outside the narrow acceptable solution has no performance criteria against which it can be assessed, and therefore no pathway to approval, regardless of the individual merits of the application. I do not say this makes the use Prohibited in the Use Table sense: it remains classified as Permitted. The point is narrower: for this category of property, no performance-based assessment pathway exists.

I accept that cumulative impact is a legitimate planning concern. My submission is that the stated reason for removing all discretion is asserted rather than demonstrated: none of the supporting documents show that the existing discretionary pathway has actually failed to manage cumulative impact in practice, as distinct from simply producing more approvals than the Planning Authority now wishes to see. Section 34(2)(c) requires the Planning Authority to demonstrate why the existing pathway, which has operated since 2017, is no longer capable of achieving the planning objective, not simply that case-by-case assessment is difficult.

Relevant evidence on this specific question exists and has not been engaged with. AHURI Final Report No. 460 records that, between 2018 and January 2025, the City of Hobart received 690 planning applications for visitor accommodation, of which 668 were approved, 22 were refused, and of those 22 refusals, 10 were appealed to the Tasmanian Planning

Tribunal with 9 succeeding. This data could reasonably be read to support either position: it could suggest the discretionary pathway had little practical effect and rarely withstood challenge, which might support removing it, or it could suggest the great majority of applications were genuinely unobjectionable on their individual merits, which would cut against removing discretion altogether. I do not resolve that question here, and deliberately so: whichever reading is correct, this is precisely the evidence a genuine assessment of whether discretion had failed would need to engage with. It was published in AHURI Final Report No. 460 before the Planning Authority Report was finalised on 10 June 2026, and the Planning Authority Report does not refer to it, address it, or explain why it does not need to be considered. Without engaging with that evidence, the Planning Authority cannot show that removing discretion entirely was the necessary and proportionate response section 34(2)(c) requires.

Source: ERA Advisory, Visitor Accommodation amendments to the Hobart LPS (1 April 2026), Table 6, entry for clause HOB-S11.6.1 (A1/P1); Planning Authority Committee Report, Item 8.1 (10 June 2026) para 3.1.6; AHURI Final Report No. 460 (May 2026), s.3.5.2 (planning permit approval and appeal data, 2018 to January 2025).

Reason 6: The Planning Authority has not demonstrated why its existing, escalating measures are insufficient before adopting the most restrictive available response

The Planning Authority has not demonstrated that its own existing measures are insufficient before adopting the most restrictive tool available.

In recent years, the Planning Authority has introduced a series of increasingly significant measures directed at the same underlying concern:

- In 2023, the City of Hobart introduced a differential rating scheme charging double the standard residential rate for properties classified as short-stay visitor accommodation. By January 2025, 512 properties had been so classified, with 111 exempted on evidence of non-STRA use. This measure has now had close to three years to operate.
- With effect from 1 July 2026, the Council increased the discretionary change-of-use application fee for visitor accommodation from \$435 to \$5,000, an increase of approximately 1,000%. This took effect less than three weeks into the current exhibition period, which commenced on 19 June 2026.
- The Tasmanian Government is separately consulting on a proposed statewide short-stay levy of 5%, modelled on comparable levies in Victoria and the ACT, which the City of Hobart has itself endorsed in a submission as an appropriate response to the same underlying concern.

I do not assert that the Planning Authority has failed to consider these measures internally: that is not something I am in a position to prove, and the supporting documents may simply not record that consideration. What the documents put on public exhibition do not show is why the cumulative effect of the rate differential (in place since 2023), the substantially increased application fee (from 1 July 2026), and the prospective state levy would be insufficient to address the identified concern, such that outright prohibition is now justified. Without that demonstration, the Planning Authority has not shown that prohibition, the most restrictive tool available, is a proportionate next step rather than a premature one.

Source: AHURI Final Report No. 460 (May 2026), Table 25 and accompanying discussion (rating scheme, 2023); news reporting on the Hobart City Council fee increase, including 'No consultation': Hobart City Council pushes through \$5,000 short-stay fee, Pulse Tasmania (27 April 2026) and Nick Whigham, Aussie city hits Airbnb landlords as council brings in new \$5,000 fee in rule change, Yahoo Finance (27 April 2026).

Reason 7: The cost-benefit analysis relies on an absorption assumption that sits in direct tension with the Planning Authority's own evidence on hotel capacity

The Cost Benefit Analysis (CBA) underpinning this amendment rests on an assumption that is in direct tension with the Planning Authority's own evidence on hotel capacity, and until that tension is resolved, its benefit-cost ratio cannot be relied upon.

The SGS Economics and Planning CBA adopts an 'equilibrium framing' under which displaced visitor demand is assumed to be absorbed by new hotel and serviced-apartment construction, at no net cost to the visitor economy. This assumption underpins the CBA's headline conclusion of a net community benefit of \$180 million to \$337 million over 20 years and a benefit-cost ratio of 2.11:1. The ERA Advisory report, relied upon in the very same assessment, states that current commercial hotel accommodation in Southern Tasmania is 'operating at or near full capacity' during peak periods, and that short-stay accommodation may be 'helping provide adequate supply' during those periods. These two positions appear difficult to reconcile.

This is not merely a difference in emphasis between two documents relied upon in the same assessment. If hotel and serviced-apartment capacity cannot, in fact, absorb displaced demand without cost during peak periods, the 'equilibrium' assumption is not simply less robust. It removes the foundation on which the CBA's entire benefit estimate is built, at precisely the times of year when the risk of displacement cost is highest. The Planning Authority Report does not identify or resolve this tension anywhere in its assessment.

For these reasons, the CBA cannot be treated as a robust foundation for the draft amendment until it is addressed, including through sensitivity testing specific to peak-period capacity constraints, which does not appear to have been undertaken. Until that is done, the reported benefit-cost ratio of 2.11:1 cannot be relied upon as demonstrating a net benefit at the times of year when the underlying assumption is most likely to fail.

Source: SGS Economics and Planning, Cost Benefit Analysis of Proposed SAP on STRA (19 March 2026), paras 24–26 (equilibrium/adjustment methodology) and paras 41, 44 (Net Present Value, Benefit-Cost Ratio, and aggregate benefit figures); ERA Advisory, Visitor Accommodation amendments to the Hobart LPS (1 April 2026), s.2.6.1 and accompanying footnote on Southern Tasmania commercial occupancy rates, and s.4.6 ('equilibrium framing' description).

Conclusion and Request

Under section 40F(2)(a) of the Act, the Planning Authority may only certify a draft amendment where it 'is satisfied' that the amendment meets the LPS criteria in section 34. That is an affirmative burden: it is not enough that the amendment might achieve its stated objective, or that no one has disproved that it will. Section 40K(2)(d) requires the Planning Authority's report to the Commission to include a fresh statement as to whether it remains satisfied that the draft amendment meets the LPS criteria, having considered the representations received. Where a material step in the reasoning connecting the identified problem to the chosen response has not been demonstrated, I submit that step cannot simply be inferred or assumed in the Planning Authority's favour. It must be shown, with

evidence, by the Planning Authority. Where it is not, the Planning Authority cannot be satisfied, and the Commission could not be convinced, that the amendment achieves the outcome it seeks.

I accept that housing affordability pressure exists in the Hobart LGA. My submission is narrower, directed only at the category the draft amendment actually affects: the Planning Authority has not demonstrated that prohibiting all future non-primary-residence, whole-dwelling Visitor Accommodation approvals across three residential zones is a proportionate response to the demonstrated size and composition of the affected market, as required to satisfy section 34(2)(c) of the Act.

Each reason above identifies a specific respect in which the evidentiary chain between the identified problem and the chosen response is incomplete: the current data, including the Planning Authority's own consultant's evidence of a levelling-off in approvals, does not support the growth narrative relied upon; the Phibbs report establishes scale but not the proportionality of prohibition as the response to that scale; the most relevant recent research is not engaged with; the planning system's own exemptions show a heterogeneity the operative provision ignores; the removal of the existing discretionary assessment pathway is asserted rather than demonstrated to be necessary; the cumulative effect of existing and incoming measures is untested; and the cost-benefit analysis rests on an assumption in tension with the Planning Authority's own capacity evidence.

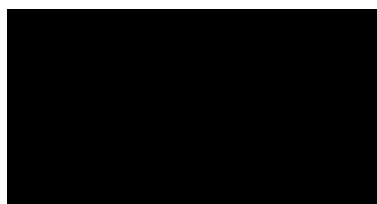
I request that:

- This representation be taken into account in the Planning Authority's report to the Tasmanian Planning Commission under section 40K of the Act, and in due course by the Commission itself; and
- The draft amendment not proceed to the Tasmanian Planning Commission in its current form until the Planning Authority has demonstrated, with evidence, that the outright prohibition on non-primary-residence Visitor Accommodation is a necessary and proportionate response, including why the measures the Planning Authority has already put in place are not sufficient to address the identified concern, and has engaged with AHURI Final Report No. 460 and the matters raised above.

I am willing to provide further information or to appear at any hearing held in relation to this draft amendment.

Yours faithfully,

Fiona Britten



Sources Relied Upon

- City of Hobart, Planning Authority Committee Meeting Report, Item No. 8.1 (10 June 2026) and attachments.
- ERA Advisory, Visitor Accommodation amendments to the Hobart LPS (final, 1 April 2026).
- SGS Economics and Planning, Cost Benefit Analysis of Proposed SAP on STRA (19 March 2026).
- Professor Peter Phibbs, Short Term Rental Accommodation and its impact on the Hobart Rental Market (18 February 2026).
- Lang, M., Clair, A., Page, K., Bonar, G. and Newman, J., Insights into short-term rental accommodation: history, statistics and landlord perspectives, AHURI Final Report No. 451, Australian Housing and Urban Research Institute (2025).
- Gurrán, N., Buckle, C., Troy, L., Nasreen, Z., Crommelin, L., Phibbs, P., Shrestha, P., Redmond, D. and Harrison, J., Short-term rental accommodation: models, impacts and policy responses, AHURI Final Report No. 460, Australian Housing and Urban Research Institute (May 2026).
- Consumer, Building and Occupational Services (CBOS), Short Stay Accommodation Reporting – Summary Statistics, 2026 Q1.
- City of Hobart, Info Sheet: Draft Amendment PSA-25-3 to the Tasmanian Planning Scheme – Hobart.
- Pulse Tasmania, 'No consultation': Hobart City Council pushes through \$5,000 short-stay fee (27 April 2026).
- Whigham, N., Aussie city hits Airbnb landlords as council brings in new \$5,000 fee in rule change, Yahoo Finance Australia (27 April 2026).