

# Submission to Hobart City Council Planning Committee

## Retrospective Approval for Unit at 1 Una St Mt Stuart

We begin this submission by stating that by granting this approval Council will be approving the occupancy of this property as it has been for the last 44 years.

We purchased Unit 1 No 1 Una St Mt Stuart December 2010 as a 5 bedroom townhouse and bedsit flat (refer [Sales Contract](#), [Advertising brochure](#) and [letter from sales consultant for taxation purposes](#))

The property was built by Mr Maro Di Benedetto in the early 1970's as a 4/5 bedroom house for his family, with a one bedroom flat at the front for his mother in law Mrs Nancy Collis and a self contained flat underneath for rental purposes.

Unfortunately, Mr Di Benedetto did not get planning permission for the flat underneath as it was only shown as a laundry on the plans, even though the window treatment indicates it was going to be used for much more than this. I have spoken with Mr Di Benedetto's widow and she is willing to confirm that the flat was there for many years.

View of flat showing Kitchen (part) window, sliding doors, Lounge window and Bedroom window, all part of the original building in 1973



The owner had the flat let out for \$75 per week when we purchased the property.



Living/Kitchen 2010



Living/Kitchen 2018



Screened off bedroom 2010



Bedroom 2018

Prior to settlement of the property I visited council to confirm that the flat was registered with them. After a brief search the clerk told me they could not find the plans however as the flat had been there for many years then there would be no problem. This statement confirmed what I believed to be the case from my many years of dealings in real estate.

It appears we were both wrong and we now need to go through this process to obtain retrospective approval.

Firstly we contend that there are no changes to what has been happening at the property for the last 40 plus years.

There have always been occupants downstairs of which most neighbours would have been aware, also the upstairs is now approved for visitor accommodation which has less occupancy than a large family, and or a permanent rental (as we once had to singles).

Secondly, we understand the main concerns of the neighbours is the traffic that may be generated by this approval. As stated above there will be no change as it will continue as it has for the last 40 years, except to say the visitor accommodation generally only has one vehicle where as when we had it let to singles they had 4 to 5 vehicles.

Una St is a short cul de sac with many units in it however all residents appear to have sufficient parking to get their vehicles off the street .

3:01pm 7th March 2018



6:25pm 8th March 2018



9:03pm 21st March 2018



6:04pm 22nd March 2018



All vehicles parked at 1 Una St are able to turn on site and enter and exit the site front first (photo right).

We are unaware of any vehicles being damaged when there are parked cars on both sides of the street and this is a very rare occurrence.(refer photos)

Further, as the driveway (shown below) to 1 Una St is quite wide (over 6.5 metres) ingress and egress is relatively easy for a sloping site. In fact there is sufficient room for vehicles to pass each other when entering or exiting the street.



As evidenced above the unit has been there for many years, all we have done is modernise it so we can have a comfortable place to stay when we come to town approximately 1 to 2 nights per week.

Visitor accommodation for the unit is not being sought and if it were would be the subject of a separate application.

Noise has not been a factor and in the time we have owned this property we have never had a complaint about noise emanating from the occupants of this flat.

On site parking has always been sufficient to get all occupants cars on site.



We are not aware of any damage to the property being caused by the occupants of the downstairs unit or for that matter any occupants of the building.

In summary, we consider we have been good neighbours and get on extremely well with most of them, including allowing them access to our property for tree trimming and removal, fixing drainage problems so stormwater no longer runs into their property and always come and go quietly. Also we keep the property in much better condition than we found it and maintain it in well above average condition including the grounds and gardens.

Inaccessible access to downstairs flat due to collapsing retaining wall



New retaining wall and fence



New fence and clothesline on top of new retaining wall

We look forward to Council looking upon this application favourably as we don't believe it's approval will change what has been happening in the neighbourhood for decades.

Robert and Anne Windsor

# Supplement to Submission to Hobart City Council Planning Committee

We regret that council has been drawn into a long running and wide ranging dispute between ourselves and Mr Dino Di Benedetto (our neighbour) whom I believe is well known to Council and its officers. That is notwithstanding the legitimacy of this process for obtaining retrospective Planning Permission for our Unit at 1 Una St Mt Stuart.

We are now in receipt of the Council Agenda for the Committee hearing and make the following comments in relation to the report and objections.

We are pleased to see that Council granted approval for a basement flat back in 1967 even though this application was subsequently withdrawn.

## Objections

Many of the objections refer to the subject flat being used for visitor accommodation and as this is not the case we would ask the Committee to **disregard all objections referring to this use.**

One objection states that we have told them that we intend to further develop the property for visitor accommodation whilst another objection states that "Mr Windsor has often raised complaints with me about the problems he encounters and difficulty with parking."

**I emphatically deny having had such conversations with any person or persons at anytime.** Further our Body Corporate records will confirm that a parking problem has never been discussed. They can be tabled if you require.

We purchased the property with the intention of having a rental property on the upper level whilst we could utilize the downstairs flat for one or two nights a week when we came to town. We have been doing this since 2011 when we acquired the property as a townhouse with flat underneath.

The objector who states that the unit (built in 1970) was unfit for habitation has acknowledged that a flat was there and yes it was dated but certainly not unfit for habitation as the previous owner had it let out for \$75 per week (refer photos main report) and this can be substantiated by Aurora records.

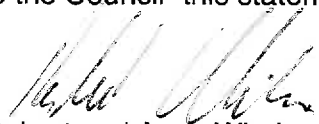
The other major concern of objectors appears to be the issue of alleged increased traffic and purported parking problems.

The facts are that since we have owned the property and to the best of our knowledge with previous owners as well, all occupants of the property have been able to park their vehicles on the property.

Further, there are no traffic problems in the street and we are not aware of residents discussing traffic problems and the photos as shown in our main report confirm that we do not have a problem.

Whilst it is not part of the application it is worth noting that since the upstairs unit has been changed to visitor accommodation the need for parking has changed from full time parking to usually one vehicle for approximately 200 nights per year.

Another objector states that we have provided "misleading and deceptive information to the Council" this statement is both untrue and unfounded.

A handwritten signature in black ink, appearing to read 'Robert Windsor' and 'Anne Windsor' written together.

Robert and Anne Windsor





**Mount Stuart**  
1/1 Una Street

**For Sale by Auction**  
On site 12pm Saturday 27 November 2010

**5 Bedroom Brick Town House with Bed-Sit Apartment Attached**

3 6 3

This expansive Townhouse some 233m<sup>2</sup> in all, boasts enviable accommodation of 5 bedrooms, master complete with ensuite and walk-in robe. The three generous living areas include ornate formal lounge, spacious formal dining plus original eat in kitchen.

The underneath areas enjoy a fully self contained bed-sit apartment, lock-up garage/workshop plus further utility/store room all set amongst beautiful rose gardens.

The views are extraordinary, offering full River, City and Casino vista as well as surrounding city suburbs.

The location completes this fabulous package with pedestrian thoroughfares leading to trendy North Hobart and within walking distance of the Hobart CBD, in a highly sought locale within one of Hobart's most prized suburbs.

Contact: John Lennard on 0417 556 620

Details:

Built: 1973

Home Size: 223m<sup>2</sup> Rates: 1617 p/a

Water Rates: \$546 p/a

Web Id: 435185

The information contained in this brochure is not based on any independent enquiries or knowledge of the agents, and the vendor & agents expressly disclaim any liability arising therefrom. The accuracy of the information cannot be guaranteed, and prospective purchasers should make their own enquiries and form their own judgement as to these matters

14 Feb

This Agreement is made the 6<sup>th</sup> day of DECEMBER 2010

BETWEEN ELAINE MARGARET VARIAN LAWRENCE OF UNIT 1 NUMBER 1 UNA STREET MOUNT STUART IN TASMANIA ("the Vendor") of the one part

AND ROBERT WINDSOR (RETIRED) AND ANNE-MAREE WINDSOR (RETIRED) ("the Purchaser") of the other part OF 51 CARLTON BEACH ROAD DODGES FERRY IN TASMANIA AND OR NOMINEE

1. The Vendor agrees to sell and the Purchaser agrees to purchase free from encumbrances ALL the property described in the First Schedule ("the Property") TOGETHER WITH all fixtures AND TOGETHER WITH the chattels enumerated in the Second Schedule.

2. The purchase price shall be FOUR HUNDRED AND TWENTY FIVE THOUSAND DOLLARS (\$425,000)

payable as follows a deposit of \$ 42,500.

to Elders Brown & Banks Real Estate

as stakeholder upon signing and the balance in cash on completion.

3. THIS contract shall be completed on OR WITHIN 60<sup>th</sup> day of THIS CONTRACT DATE

when the purchaser shall be entitled to vacant possession ~~receipt of rents and profits~~ of the Property.

4. The following matters are conditions precedent to the completion of the contract:-

(a) That there are not at this date any restrictions on the use of the Property other than those specifically disclosed herein which shall hinder or prevent the Purchaser from using or enjoying the Property for the purpose of a residence 2 BEDSIT FLAT

(b) That ~~the Vendor~~ makes available to the Purchaser who shall use every reasonable endeavour to obtain the same a mortgage or mortgages to secure a principal sum of \$ upon terms currently available in transactions of a similar nature within days of this date.

(c) The signing of a contract within days of this date by the Purchaser for the sale of his property situated at to a person ready willing and able to perform that contract at a price acceptable to the Purchaser provided that such property shall not be offered for sale at a price exceeding \$

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**Elders Brown & Banks**  
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eldershobart.com.au

8 October 2012

Mr R & Mrs A Windsor

Dear Robert and Anne-Marie,

**RE:                                    1/1 Una Street, Mount Stuart**

The above property comprises of a larger residence on the upper level and a bedsit apartment on the lower level. When I appraised this property for sale in late 2010, I calculated the bedsit apartment to be 25% of the total value.

Yours Faithfully  
**ELDERS BROWN & BANKS**



**JOHN LENNARD**  
SALES CONSULTANT