



City of **HOBART**

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee
Committee: 10 September 2018
Expiry Date: 5 October 2018
Application No: PLN-18-399
Address: 6 / 212 COLLINS STREET , HOBART
Applicant: Stuart Oliver
73 Huntingtower Rd
Proposal: Partial Change of Use to Visitor Accommodation
Representations: Three
Performance criteria: Use

1. Executive Summary

- 1.1 Planning approval is sought for a partial change of use to visitor accommodation.
- 1.2 The proposal is for the partial change of use of an 88m² two bedroom apartment at 6/212 Collins Street to visitor accommodation. The apartment will still be used for residential purposes by the owners and family however it is intended to have visitors stay at the property during other periods.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Urban Mixed Use Zone - Use
- 1.4 Three (3) representations objecting to the proposal were received within the statutory advertising period between 7 August and the 21 August 2018.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the City Planning Committee.

2. Site Detail

- 2.1 The property is a strata titled two bedroom apartment located within the relatively recently constructed apartment block located on the corner of Collins Street and Molle Street. The site was formerly the City Swim - D.R. Plaister Aquatic House. The Collins Street frontage contains ground level commercial tenancies within the existing Heritage listed brick building on the site.



Figure 1: GIS Map Image 1:2000



Figure 2: Frontage of the property

3. Proposal

- 3.1 Planning approval is sought for a partial change of use to visitor accommodation.
- 3.2 The proposal is for the partial change of use of an 88m² two bedroom apartment at 6/212 Collins Street to visitor accommodation. The apartment will still be used for residential purposes by the owners and family however it is intended to have visitors stay at the property during other periods.



Figure 3: Floor Plan

4. Background

4.1 No background applicable to the application.

5. Concerns raised by representors

5.1 Three (3) representations objecting to the proposal were received within the statutory advertising period between 7 August and the 21 August 2018.

5.2 The following table outlines the concerns raised in the representations received. Those concerns which relate to a discretion invoked by the proposal are addressed in Section 6 of this report.

The representations raised the concern that the proposed use is in conflict with the Body Corporate By-Laws for the property.

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 Urban Mixed Use Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The proposed use for visitor accommodation is a discretionary use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 15 Urban Mixed Use Zone
 - 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 Urban Mixed Use Zone - Use
- 6.6 Each performance criterion is assessed below.
- 6.7 Use
- 6.7.1 The proposed use for visitor accommodation is discretionary in the zone and clause 8.10.2 of the Scheme requires that when in determining an application regard must be given to the purpose of the zone.
 - 6.7.2 The Zone Purpose Statement for the Urban Mixed Use Zone is as follows:
 - 15.1.1 Zone Purpose Statements*
 - 15.1.1.1*
To provide for integration of residential, retail, community services and commercial activities in urban locations.
 - 15.1.1.2*
To encourage use and development at street level that generates

activity and pedestrian movement through the area.

15.1.1.3

To provide for design that maximises the amenity at street level including considerations of microclimate, lighting, safety, and pedestrian connectivity.

15.1.1.4

To ensure that commercial use are consistent with the activity centre hierarchy.

15.1.1.5

To ensure development is accessible by public transport, walking and cycling.

15.1.1.6

To provide for a diversity of uses at densities responsive to the character of streetscapes, historic areas and buildings and which do not compromise the amenity of surrounding residential areas.

15.1.1.7

To encourage the retention of existing residential uses and the greater use of underutilised sites as well as the reuse and adaptation of existing buildings for uses with a scale appropriate to the site and area.

15.1.1.8

To ensure that the proportions, materials, openings and decoration of building facades contribute positively to the streetscape and reinforce the built environment of the area in which the site is situated.

15.1.1.9

To maintain an appropriate level of amenity for residential uses without unreasonable restriction or constraint on the nature and hours of commercial activities.

15.1.1.10

To ensure that retail shopping strips do not develop along major arterial roads within the zone.

- 6.7.3 The Zone Purpose Statement for the Urban Mixed Use Zone does not specifically mention Visitor Accommodation, with the intent of the zone being largely for the *integration of residential, retail, community services*

and commercial activities in urban locations. The intermittent inclusion of visitor accommodation uses is complimentary to the permitted uses of the Urban Mixed Use Zone and in this location also complimentary to the existing uses within the surrounding area.

The use will not result in a reduction in activity at street level with commercial activity on the ground floor frontage being unaffected. The residential use of the property is still to be retained in some capacity with the proposed use not precluding residential use. The proposed use also meets the Use Standards for the zone.

- 6.7.4 The use of the apartment for visitor accommodation is not considered to compromise the intent of the Zone Purpose for the zone.

7. Discussion

- 7.1 Planning approval is sought for partial change of use to visitor accommodation.
- 7.2 The application was advertised and received three (3) representations. The representations raised the concern that the proposed use is in conflict with the Body Corporate By-Laws for the property.

The applicant was made aware of the concerns and how the issuing of planning approval does not negate their obligations under the By-Laws of the Body Corporate. Advice to this effect will also be included on the permit.

- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and the proposed discretionary visitor accommodation use is considered to be complementary to the permitted uses in the Urban Mixed Use Zone and those within the surrounding area.
- 7.5 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed partial change of use to visitor accommodation at 6/212 Collins Street, Hobart satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial change of use to visitor accommodation at 6/212 Collins Street, Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-18-399 - 6/212 COLLINS STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's [website](#) for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

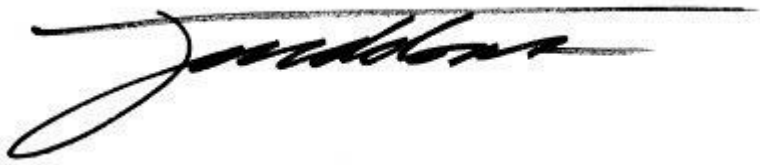
VISITOR ACCOMMODATION

No building permit is required for a change of use to visitor accommodation to dwellings or residential premises used by the owner or occupier as their main place of residence, if the home has four or less bookable rooms.

A change of use to visitor accommodation for strata lots will also need to comply with any additional requirements from the body corporate.

You should consult with your insurance provider to ensure appropriate insurance coverage.

More information on visitor accommodation can be found [here](#).



(Tristan Widdowson)

Acting Senior Statutory Planner

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.



(Rohan Probert)

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: 31 August 2018

Attachment(s):

Attachment B - CPC Agenda Documents