

Type of Report: Committee
Council: 19 November 2018
Expiry Date: 7 December 2018
Application No: PLN-18-616
Address: 55 RUNNYMEDE STREET , BATTERY POINT
Applicant: MAREE BOCK
7 D'ARCY STREET
Proposal: Partial Change of Use to Visitor Accommodation
Representations: Eleven (11)
Performance criteria: Inner Residential Zone Use Standards; Parking and Access Code

1. Executive Summary

- 1.1 Planning approval is sought for a Partial Change of Use to Visitor Accommodation at 55 Runnymede Street, Battery Point.
- 1.2 More specifically the proposal includes:
- A Bed and Breakfast style of accommodation, being one bedroom and a sitting room with separate side entrance.
 - The remainder of the dwelling will be shared with a permanent resident who would manage the operation, sharing the bathroom and laundry with guests.
 - Provision for tea/coffee and light continental breakfast preparation by guests would be provided within the sitting room.
 - One existing parking space will remain on the site. For the most part this would be used by the permanent resident.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
- 1.3.1 Inner Residential Zone Use Standards
- 1.3.2 Parking and Access Code - Number of Car Parking Spaces
- 1.4 Eleven (11) representations objecting to the proposal were received within the statutory advertising period between 21 September and 5 October 2018.

- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council.

2. Site Detail



Image 1: Aerial view of the subject property and surrounding locality.

- 2.1 55 Runnymede Street, Battery Point is a 163m² residential property occupied by a single storey, 108m² dwelling (Plate 1). The site is amongst the established residential area of Battery Point, and is adjacent to Arthur Circus. The property is individually listed for heritage significance in both the *Hobart Interim Planning Scheme 2015* and the Tasmanian Heritage Register.



Plate 1: The subject site as viewed from Arthur Circus.

3. Proposal

- 3.1 Planning approval is sought for a Partial Change of Use to Visitor Accommodation at 55 Runnymede Street, Battery Point.
- 3.2 More specifically the proposal is for:
- A Bed and Breakfast style of accommodation, being one bedroom and a sitting room with separate side entrance.
 - The remainder of the dwelling will be shared with a permanent resident who would manage the operation, sharing the bathroom and laundry with guests.
 - Provision for tea/coffee and light continental breakfast preparation by guests would be provided within the sitting room.
 - One existing parking space will remain on the site. For the most part this would be used by the permanent resident.

4. Background

- 4.1 In November 2014, the Council granted a permit for Partial Demolition, Alterations, Dwelling Extension and New Front Fence (PLN-14-00999-01).

5. Concerns raised by representors

- 5.1 Eleven (11) representations objecting to the proposal were received within the statutory advertising period between 21 September and 5 October 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 small size of the residence is unfeasible and impractical for the operation of the proposed accommodation.
The proposal does not meet parking requirements and therefore does not meet the use standards for the Zone. One space less than required will add unreasonable pressure to the already crowded surrounding streets, with no convenient on-street parking close to the property. A commercial property it is not entitled to a residential parking permit.
There are too many residences in Battery Point already operating as visitor accommodation. It is unclear how many have permits to do so.
The introduction of visitor accommodation within existing residences in Battery Point has a negative impact upon the local community.
The proposal displaces a residential use and therefore does not meet the Inner Residential Zone Visitor Accommodation use standards for Battery Point.
The application is not valid as the owner is not the same as the one listed.
The application is based on false statements to get around the rules regarding visitor accommodation in Battery Point. If approved the accommodation will become self-contained and offered as an entire property for short term accommodation with an off site manager.
The proposed use cannot operate as proposed due to the current lease arrangements.
The owner will not reside at the property.
The application goes against the intentions of Planning Directive No.6 for visitor accommodation in Battery Point.
Not opposed to the use provided it does not lead to upper level extensions to the dwelling.

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 Inner Residential Zone (Battery Point Heritage Precinct - BP1) of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is single dwelling (Residential). The proposed use is Residential and Visitor Accommodation (Bed and Breakfast Establishment). The existing use is a No Permit Required use in the zone. The proposed use is a Permitted use in the zone.

Part D 11.3.2 A2 of the *Hobart Interim Planning Scheme 2015* states that in the Battery Point Heritage Precinct (BP1) visitor accommodation (except for bed and breakfast establishment) must be within an existing building and not displace a residential use.

Bed and Breakfast Establishment in the *Hobart Interim Planning Scheme 2015* means part of a dwelling used by its resident to provide, on a short-term commercial basis, accommodation and breakfast for persons away from their normal place of residence. A resident can be anyone residing on the site on a permanent basis, which could be the owner of the property or a long term tenant; but there is no stipulation that it must be the owner.

In this case the application states that the manager of the bed and breakfast accommodation will be living permanently on the site, and breakfast will be provided. The proposed use therefore qualifies as a Bed and Breakfast Establishment.

- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 11 Inner Residential 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 Visitor Accommodation Use - Part D 11.3.2 P1

6.5.2 Number of Car Parking Spaces - Part E 6.6.1 (Table E6.1)

6.6 Each performance criterion is assessed below.

6.7 Visitor Accommodation Use - Part D 11.3.2 P1

6.7.1 The acceptable solution at clause Part D 11.3.2 A1 requires visitor accommodation to provide on-site any parking and manoeuvring spaces required by the Parking and Access Code.

6.7.2 The proposal provides no on-site parking for guests additional to the existing single parking space.

6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.7.4 The performance criterion at clause Part D 11.3.2 P1 provides as follows:

Visitor accommodation must satisfy all of the following:

(a) not adversely impact residential amenity and privacy of adjoining properties;

(b) provide for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site;

(c) be of an intensity that respects the character of use of the area;

(d) not adversely impact the safety and efficiency of the local road network or disadvantage owners and users of private rights of way;

(e) be located on the same site as a dwelling providing long term residential accommodation, except for a caretakers dwelling, only if:

(i) it has a separate ground level pedestrian access to a road; or

(ii) there is an existing mix of uses on the site;

and the impact on the amenity of long term residents on the site is not unreasonable.

6.7.5 The proposed visitor accommodation is of a small scale (one bedroom), provides for limited guests (two) and is integrated with the ongoing

permanent residential occupation of the dwelling, whilst having a separate ground level pedestrian access to a road. As a result, it is not considered likely to adversely impact the residential amenity and privacy of adjoining properties or the long term residents on the site. One existing on site parking space, as previously approved, remains. The acceptability of this parking provision is assessed against the standards of the Parking and Access Code, below.

6.7.6 The proposal complies with the performance criterion.

6.8 Number of Car Parking Spaces - Part E 6.6.1 (Table E6.1)

6.8.1 The acceptable solution at clause Part E 6.6.1 A1 requires on-site parking to be provided for its uses at a rate no less and no greater than the number specified in Table E6.1. Where more than one use is proposed the total on-site parking requirement is the sum of the rate generated by both uses. For a single bedroom dwelling, one parking space is required. For a bed and breakfast establishment, one parking space per bedroom is required.

6.8.2 The proposal includes retention of the existing single on-site parking space, with no additional on-site parking spaces proposed. Thus there is a shortfall of one parking space.

6.8.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.8.4 The performance criterion at clause Part E 6.6.1 P1 provides as follows:

The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:

- (a) car parking demand;*
- (b) the availability of on-street and public car parking in the locality;*
- (c) the availability and frequency of public transport within a 400m walking distance of the site;*
- (d) the availability and likely use of other modes of transport;*
- (e) the availability and suitability of alternative arrangements for car parking provision;*
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*

- (g) any car parking deficiency or surplus associated with the existing use of the land;*
- (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;*
- (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;*
- (j) any verified prior payment of a financial contribution in lieu of parking for the land;*
- (k) any relevant parking plan for the area adopted by Council;*
- (l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;*
- (m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code.*

6.8.5 Demand for car parking to cater for holidaying guests has the potential to be reduced from that of a full residential household given not all guests would be travelling by car - they may arrive direct by taxi or on foot from further afield after having been dropped off by services such as taxis or the Skybus in Sullivans Cove. The convenience of the subject site to places such as Battery Point village (some 120m away), Salamanca (less than 400m away) and Sullivans Cove and Hobart city, and the services these locations provide is such that the need for a vehicle is reduced. Sandy Bay Road and Metro bus public transport is some 450m away. It is easy for these nearby places to be accessed on foot.

There is a reduced need to have a vehicle if staying or residing in Battery Point in general, and for some permanent residents of this area, if it suits their lifestyle, it is possible to reside here without a vehicle.

In addition to all of the above, any attempt to construct additional car parking space upon the subject site would likely detrimentally impact the historic cultural significance of the property, which is listed with both the City of Hobart and also the Tasmanian Heritage Council.

The off-street car parking allocation has been further discussed and considered with the Council's Senior Development Engineer. The single existing car parking space on the property and resultant one space shortfall is endorsed as an acceptable allocation given the circumstances.

For information, with regard to Residential Parking Permits, Council's Policy dictates that for a Bed and Breakfast Establishment, a transferable residential parking permit for guests can only be issued where the owner lives in the household and operates the premises, which is not the case here (because the person managing the accommodation is not to be the owner). Otherwise, in the case of this proposal, the permanent resident may be entitled to a non-transferable permit where they have a second vehicle registered in their name at the subject address.

6.8.6 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for Partial Change of Use to Visitor Accommodation at 55 Runnymede Street, Battery Point
- 7.2 The application was advertised and received eleven (11) representations. The representations raised concerns including the property not being suited to the proposed use; the proposal not meeting relevant planning scheme standards; the proposal being a way to get around visitor accommodation rules in Battery Point; the proposal allegedly being based on false information; the proposal not being possible given current lease arrangements; the proposal contributing to an already too high a number of visitor accommodation properties within Battery Point; and the impact of the proposal on the demand for car parking in the local area.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well. The concerns raised by the representors have been addressed in section 6 of this report, above.
- 7.4 The proposal has been considered and discussed with other Council officers, including the Council's Senior Development Engineer and Technical Officer - Traffic. The officers have raised no objection to the proposal, subject to conditions. Because the proposal is for a change of use only, no heritage assessment is required by the planning scheme.
- 7.5 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed Partial Change of Use to Visitor Accommodation at 55 Runnymede Street, BATTERY POINT 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 55 Runnymede Street, BATTERY POINT for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

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The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-18-616 - 55 RUNNYMEDE STREET BATTERY POINT TAS 7004 - 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.

VISITOR ACCOMMODATION

More information on visitor accommodation, including when building approval is required, can be found [here](#).

In all cases, check with your insurance company that you have adequate cover.



(Cameron Sherriff)

Development Appraisal 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.



(Ben Ikin)

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.

Date of Report: 31 October 2018

Attachment(s):

Attachment A - CPC Agenda Documents