



City of HOBART

## APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee  
Committee: 20 January 2020  
Expiry Date: 4 February 2020  
Application No: PLN-19-733  
Address: 11 CASCADE ROAD , SOUTH HOBART  
Applicant: Simon van der Hart  
11 Cascade road  
Simon van der Hart  
11 Cascade road  
Proposal: Change of Use to Visitor Accommodation  
Representations: Three (3)  
Performance criteria: PD6 strata lot and parking

---

### 1. Executive Summary

- 1.1 Planning approval is sought for change of use for visitor accommodation at 11 Cascade Road, South Hobart.
- 1.2 More specifically the proposal includes the conversion of a dwelling on a strata lot, to visitor accommodation. The lot has one on site car parking space accessed via the one way lane at the rear (McFarlane Street).
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
  - 1.3.1 Planning Directive 6, 3.1 P2
  - 1.3.2 Parking and Access Code E6.7.5 Layout of Parking Areas P1
- 1.4 Three (3) representations objecting to the proposal were received in total, two within the statutory advertising period between 22 November to 6 December 2019, and one on the following day - this one has been accepted by the Manager of Development Appraisal pursuant to s57(5) of the *Land Use Planning and Approvals Act 1993*, which provides the Council with discretion to consider extending the statutory notification period of planning applications.

- 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



Figure 1. 11 Cascade Road is part of a 3 dwelling strata scheme fronting Cascade Road and bounded by Excell Lane and McFarlane Street in the inner residential zone of the HIPS15.

### 2.2

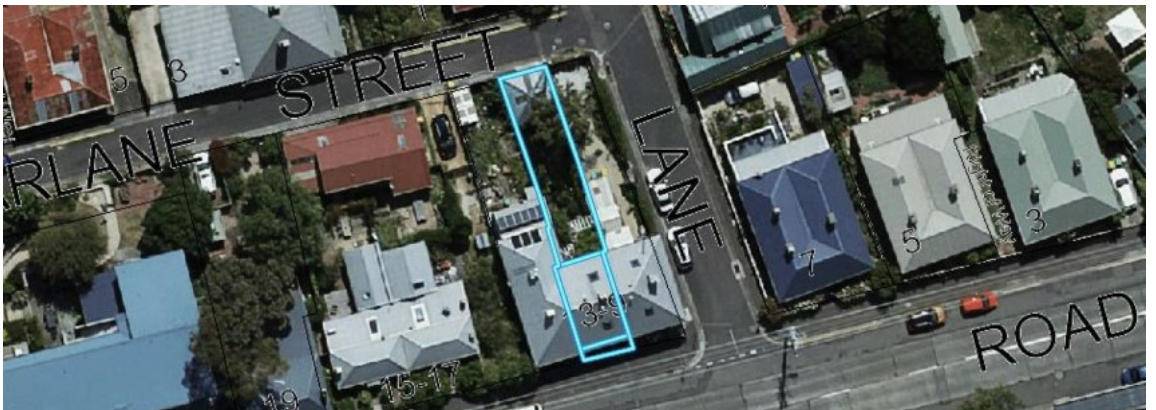


Figure 2. 9, 11, and 13 Cascade Road; the subject dwelling is in the middle.

2.3



Figure 3. 11 Cascade Road fronts onto Cascade Road, the middle dwelling. GSV accessed 4/11/19, date of image labelled October 2018.

2.4



Figure 4. The on site car parking space is accessed from the one way section of McFarlane Street.





Figure 5. Parking restrictions as per the Council's Geocortex Property and Assets map, Kerb Use layer (yellow - no stopping, green - residential parking zone - 1 hour restricted, red - no parking).

### 3. Proposal

- 3.1 Planning approval is sought for change of use for visitor accommodation at 11 Cascade Road, South Hobart, strata lot 2 of Strata Plan 57595.
- 3.2 More specifically the proposal includes the conversion of a less than 200 sqm floor area dwelling over three (3) levels, on a strata lot of 154 sqm, to visitor accommodation. The lot has one on-site car parking space accessed via the one way lane at the rear (McFarlane Street). The whole site (the 3 strata lots together) is 485 sqm.

The place is heritage listed in the *Hobart Interim Planning Scheme 2015* (however proposal is only for change of use so is not assessed under the Heritage Code), and it is on the State Heritage Register.

### 4. Background

- 4.1 The applicant has indicated that they would use the subject site themselves when visiting Tasmania. This does not qualify as permanent place of residence.

4.2 The two strata lot owners either side of the subject site contacted the assessing planner early in the process, after the applicant had notified their intention to lodge the planning application, raising issues with the proposal, and also provided copies of their responses to subject property owner's notification letter. The assessing planner encouraged them both to investigate their options via their Body Corporate arrangements in the meantime while awaiting for the planning process to run its course.

4.3 Floor area is less than 200 sqm but exact area was not determined. In the Strata plan documents page 2 of 5 shows 'ground floor' 'Part of Flat 2 154 m<sup>2</sup>' - which is the area of the lot. The plan page does not provide the dimension of the ground floor level of the dwelling.

The other strata plan pages show buildings 'part of' strata 2: first floor 47 + second floor 34. As the 'ground floor' is similar in size to 'first floor', it has been assumed to be 47 sqm also. The floor area is therefore more likely to be about 128 sqm. The covered patio has likely been included as 'floor area' which may have given rise to the different numbers.

The submitted plans show the house area as 157.3 sqm, and the garage as 22.5 sqm (4.6m x 4.9m).

The ground floor strata page shows two outbuildings on strata lot 2 but not the shed / garage at the rear boundary being proposed for visitor parking.

Advice is recommended to have strata plans updated with all buildings and floor areas shown.

## **5. Concerns raised by representors**

5.1 Three (3) representations objecting to the proposal were received within the statutory advertising period between 22 November to 6 December 2019.

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.

There have been consistent issues with noise and parking since short-term letting commenced in May 2019.

Old heritage building with three strata dwellings - close proximity of the three units to each other results in problems with noise.

Guests (up to 6 for one booking) often park illegally and unsafely. Regularly parked in the 'No Stopping' area outside the front of the properties (also creating noise directly adjacent to subterranean windows of adjoining dwellings), and have regularly occupied the 'Residents Only' parking area for more than the one hour limit, forcing residents with permits to park some distance away from their properties. Guests regularly park over yellow lines on Macfarlane St, blocking access to resident car parks and creating difficulty for garbage trucks on collection day.

The residence is a 1 and 1/2 bedroom place (to get to the second bedroom, you walk through the first), yet in excess of six guests occupy the residence at a time.

Representors (2 of 3) suggest the following is stipulated to guests:

- 1) they are made aware of the parking restrictions and regulations in the area (including no standing area in front of dwellings on Cascade Road) and are instructed to always use the allocated off street parking;
- 2) visitors are limited to one car;
- 3) they are aware that they are living in close proximity to others and keep noise to a minimum particularly at night;
- 4) they are respectful of the age and heritage of the building and do not light fires in the fireplace or wood heater.
- 5) and preferably maximum of four guests

Applicant has explained directly to representors that they do not allow Airbnb guests to use the fire places, and restricting visitor numbers would not always prevent a booking with two cars.

<p>Parking problems could be mitigated by clearly explaining the parking limitations and regulations around the property to guests, limiting guests to one vehicle, and requesting that guests park this vehicle in the allocated off street parking. Limiting guests to one vehicle could also potentially limit visitors to families, and couples and exclude groups, which seems more appropriate for the property which only has 1.5 bedrooms and a single bathroom. This may help to reduce the problems with disruptive guests and noise.</p>
<p>The accommodation is not 'hosted' there is no-one to ensure compliance with the requests. There are two more short-term accomodation properties at no 17 &amp; 19 Cascade Rd and also in MacFarlane St. A survey of AirBnB in the area shows 12-15 properties in close proximity.</p>
<p>This area is a prime location for access to schools, shops and recreational areas. The transient nature of short-term occupancy disrupts community cohesion.</p>

## 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 of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use, multiple dwelling is permitted in the inner residential zone. The proposed use visitor accommodation, in this zone, is permitted under 3.1(c) of PD6.
- 6.4 The proposal has been assessed against:
- 6.4.1 Planning Directive 6
  - 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 Planning Directive 6, 3.1 (e) P2

6.5.2 Parking and Access Code E6.7.5 - Layout of Parking Areas P1

6.6 Each performance criterion is assessed below.

6.7 Planning Directive 6, 3.1 (e) P2

6.7.1 The acceptable solution at clause PD6, 3.1 (e) A2 requires that Visitor Accommodation is not for a lot, as defined in the Strata Titles Act 1998, that is part of a strata scheme where another lot within that strata scheme is used for a residential use.

6.7.2 The subject site is the middle strata lot of three, in a heritage conjoined building.

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 PD6, 3.1 (e) P2 provides as follows:

*Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other lots within the strata scheme, having regard to:*

*(a) the privacy of residents;*

*(b) any likely increase in noise;*

*(c) the residential function of the strata scheme;*

*(d) the location and layout of the lots;*

*(e) the extent and nature of any other nonresidential uses; and*

*(f) any impact on shared access and common property.*

6.7.5 The objective of the standard is: *That Visitor Accommodation:*

*(a) is compatible with the character and use of the area;*

*(b) does not cause an unreasonable loss of residential amenity; and*

*(c) does not impact the safety and efficiency of local roads or rights of way.*

6.7.6 The relevant performance criteria are below with comments in non-italics.

*Visitor Accommodation within a strata scheme must not cause an*

*unreasonable loss of residential amenity to long term residents occupying other lots within the strata scheme, having regard to:*

*(a) the privacy of residents;* - both of the adjoining dwellings are occupied by long term residents. Residential amenity concerns have been raised and provided appropriate management of visitors can be provided loss of adjacent residential amenity should be minimal;

*(b) any likely increase in noise;* - concerns have been raised on the issue of noise impacting on residential amenity from within the dwelling as well as from vehicles consistently parking out the front in the no parking zone. Provided appropriate management of visitors can be provided there should be minimal increase in noise compared with its previous use;

*(c) the residential function of the strata scheme;* - both of the adjoining dwellings are occupied by long term residents. Impacts could be reduced through proper management of the use.

*(d) the location and layout of the lots;* - the subject dwelling is in the middle of the other two, and as the properties are old, sound insulation is not considered a viable option - visitor management is preferred.

*(e) N/R*

*(f) N/R*

6.7.7 The proposal complies with the performance criterion on the condition that a Visitor Management Plan is approved and implemented.

6.8 E6.7.5 Layout of Parking Areas P1

6.8.1 The acceptable solution at clause E6.6.1 A1 requires car parking spaces to be laid out in accordance with Australian Standard AS2890.1.

6.8.2 The site includes a single parking space that does not meet minimum dimensions.

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 E6.7.5 P1 provides as follows:

*The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring onsite.*

6.8.5 The recommended Visitor Management Plan must include detailed instructions about how to access the car park off McFarlane Street, how to open the garage door, the dimensions of the parking space, and that the

visitor needs to know if their vehicle will fit both in height, width and length prior to attempting to park there - if they will not fit clear instructions must be provided with a map of their legal parking options.

- 6.8.6 The proposal would comply with the performance criterion on satisfaction of the recommended condition.

## **7. Discussion**

- 7.1 Planning approval is sought for change of use for visitor accommodation at 11 Cascade Road, South Hobart.
- 7.2 Three (3) representations objecting to the proposal were received in total, two within the statutory advertising period between 22 November to 6 December 2019, the other approved for inclusion. The representations raised concerns including impacts on residential amenity from noise and parking.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and Planning Directive 6 and is considered to be reasonable provided a visitor management plan condition is satisfied and the property managed adequately over time.
- 7.4 The proposal is recommended for approval.

## **8. Conclusion**

- 8.1 The proposed change of use for visitor accommodation at 11 Cascade Road, South Hobart satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for conditional approval.

## 9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for change of use for visitor accommodation at 11 Cascade Road, South Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

### **GEN**

**The use must be substantially in accordance with the documents and drawings that comprise PLN-19-733 - 11 CASCADE ROAD SOUTH HOBART TAS 7004 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

### **PLN 18**

**Prior to the commencement of the approved use, a management plan for the operation of the visitor accommodation must be submitted and approved, to the satisfaction of the Council's Director City Planning. The management plan must include measures to limit, manage and mitigate unreasonable impacts upon the amenity of long term residents in the adjacent dwellings and vicinity. These measures must include, but are not limited to, the following requirements:**

- 1. To limit, manage, and mitigate noise generated as a result of the visitor accommodation.**
- 2. To specify the maximum permitted occupancy of the visitor accommodation as four (4) people.**
- 3. To limit, manage, and mitigate behavioural issues caused as a result of the visitor accommodation.**
- 4. To provide guests with detailed instructions about accessing the on site parking including the dimensions of the space (height, width, length) and that the guests are required to know beforehand if their vehicle, including items on a roof rack, will fit entirely within the space with the door closed.**
- 5. To provide a map showing off site parking options for use only when the the guest's vehicle will not fit in the on site parking space.**
- 6. To specify no pets on site.**
- 7. No fires are to be lit in the fire places or internal wood heaters.**

## **8. No smoking on the site.**

**The operator must also provide details about waste management and cleaning of the premises.**

**Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation.**

Reason for condition

To ensure that visitor accommodation does not cause an unreasonable loss of residential amenity.

### **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.

### **STRATA AMENDMENT**

You are advised to amend the strata plan pursuant to the provisions of the *Strata Titles Act 1998* to reflect the buildings on the site, and to show all floor areas. Click [here](#) for more 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.

Visitor accommodation is also considered to be a commercial use and also not eligible to residential parking permits. Under the current policy for the issuing of residential parking permits, the proposed change of use to visitor accommodation would not entitle the property to a residential parking permit, or a transferable “bed and breakfast” parking permit.







(Michelle Foale)

**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.*



(Cameron Sherriff)

**Acting 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: 30 December 2019

**Attachment:**

Attachment B - CPC Agenda Documents