



CITY OF HOBART

# **AGENDA**

## **Special City Planning Committee Meeting**

### **Open Portion**

**Monday, 22 March 2021**

**at 4.15 pm**

**Council Chamber, Town Hall**

## THE MISSION

**Working together to make Hobart a better place for the community.**

## THE VALUES

**The Council is:**

<b>People</b>	We care about people – our community, our customers and colleagues.
<b>Teamwork</b>	We collaborate both within the organisation and with external stakeholders drawing on skills and expertise for the benefit of our community.
<b>Focus and Direction</b>	We have clear goals and plans to achieve sustainable social, environmental and economic outcomes for the Hobart community.
<b>Creativity and Innovation</b>	We embrace new approaches and continuously improve to achieve better outcomes for our community.
<b>Accountability</b>	We are transparent, work to high ethical and professional standards and are accountable for delivering outcomes for our community.

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## ORDER OF BUSINESS

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Business listed on the agenda is to be conducted in the order in which it is set out, unless the committee by simple majority determines otherwise.

### APOLOGIES AND LEAVE OF ABSENCE

1. CO-OPTION OF A COMMITTEE MEMBER IN THE EVENT OF A VACANCY ..... 4
2. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST ..... 4
3. COMMITTEE ACTING AS PLANNING AUTHORITY ..... 5
  - 3.1 APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997 .....6
    - 3.1.1 51/1 Collins Street, Hobart and Common Land of Parent Title - Change of Use to Visitor Accommodation.....6

**Special City Planning Committee Meeting (Open Portion) held Monday, 22 March 2021 at 4.15 pm in the Council Chamber, Town Hall.**

**This meeting of the City Planning Committee is held in accordance with a Notice issued by the Premier on 3 April 2020 under section 18 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.**

**COMMITTEE MEMBERS**

Deputy Lord Mayor Burnet (Chairman)  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

**Apologies:**

**Leave of Absence:** Nil.

**NON-MEMBERS**

Lord Mayor Reynolds  
Zucco  
Sexton  
Thomas  
Ewin  
Sherlock

**1. CO-OPTION OF A COMMITTEE MEMBER IN THE EVENT OF A VACANCY**

**2. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST**

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Ref: Part 2, Regulation 8(7) of the *Local Government (Meeting Procedures) Regulations 2015*.

Members of the committee are requested to indicate where they may have any pecuniary or conflict of interest in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the committee has resolved to deal with.

### **3. COMMITTEE ACTING AS PLANNING AUTHORITY**

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In accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2015, the intention of the Committee to act as a planning authority pursuant to the Land Use Planning and Approvals Act 1993 is to be noted.

In accordance with Regulation 25, the Committee will act as a planning authority in respect to those matters appearing under this heading on the agenda, inclusive of any supplementary items.

The Committee is reminded that in order to comply with Regulation 25(2), the General Manager is to ensure that the reasons for a decision by a Council or Council Committee acting as a planning authority are recorded in the minutes.

### 3.1 APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997

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#### 3.1.1 51/1 COLLINS STREET, HOBART AND COMMON LAND OF PARENT TITLE - CHANGE OF USE TO VISITOR ACCOMMODATION PLN-21-63 - FILE REF: F21/23121

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Address:	51/1 Collins Street, Hobart and Common Land of Parent Title
Proposal:	Change of Use to Visitor Accommodation
Expiry Date:	26 March 2021
Extension of Time:	Not applicable
Author:	Michael McClenahan

#### **RECOMMENDATION**

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for change of use to visitor accommodation at 51/1 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-21-63 - 51 1 COLLINS STREET HOBART TAS 7000 - 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. 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 limit, manage, and mitigate behavioural issues caused as a result of the visitor accommodation.**
- 3. To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.**
- 4. To specify the maximum permitted occupancy of the visitor accommodation.**
- 5. To provide a contact number in the case of issues that require resolution.**

**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. In the event that the property is sold, the management plan must be updated within 14 days of the transfer of ownership.**

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.

## **BUILDING PERMIT**

You may need building approval in accordance with the *Building Act 2016*. Click [here](#) for more information.

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

### **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.


If you are in a bushfire prone area there may be a need to create/review the Bushfire Management Hazard Plan for your property.

If you have a spa or a pool at your property then you are required to test for microbiological quality and chemical parameters on a monthly basis, under the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2715.

If you are providing food for consumption on the property, you may require a food business registration in accordance with the Food Act 2003. Click [here](#) for more information, or call our Environmental Health team on 6238 2715.

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.

Attachment A: PLN-21-63 - 51/1 COLLINS STREET HOBART  
TAS 7000 - Planning Committee or Delegated  
Report ↓ 

Attachment B: PLN-21-63 - 51/1 COLLINS STREET HOBART  
TAS 7000 - CPC Agenda Documents ↓ 



**APPLICATION UNDER SULLIVANS COVE PLANNING SCHEME 1997**

Type of Report: Committee  
Council: 26 March 2021  
Expiry Date: 26 March 2021  
Application No: PLN-21-63  
Address: 51 / 1 COLLINS STREET , HOBART  
COMMON LAND OF PARENT TITLE  
Applicant: SIMON ROBUSTELLI  
70 LIPSCOMBE AVENUE  
Proposal: Change of Use to Visitor Accommodation  
Representations: Ten  
Performance criteria: Planning Directive No.6 - Exemption and Standards for Visitor  
Accommodation in Planning Schemes - Clause 3.3 (e)

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**1. Executive Summary**

- 1.1 Planning approval is sought for a Change of Use to Visitor Accommodation, at 51/1 Collins Street, Hobart.
- 1.2 More specifically the proposal includes the complete change of use of the unit from long term residential to short term visitor accommodation.
- 1.3 The proposal relies on performance criteria to satisfy the following:
  - 1.3.1 Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes Clause 3.3 (e).
- 1.4 Ten (10) representations objecting to the proposal were received within the statutory advertising period between 15/02/21 - 01/03/21.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council because more than six (6) objections were received within the statutory advertising period.

## 2. Site Detail

- 2.1 The application site is one of 65 lots on the strata title for 1 Collins Street, Hobart, on the corner of Collins Street and Brooker Avenue. Of these lots there are five visitor accommodation lots, and the remainder are residential. The subject dwelling has 2-3 bedrooms (two bedrooms and a study), an open kitchen dining living area, and a balcony for private open space. Access to the dwelling is via a common lobby and corridor area, with car parking provided in a shared, secure parking area at ground level.
- 2.2 A visit to the site was undertaken, however, due to security doors, this was only in the form of a walk around the perimeter of the complex, not an internal inspection of the dwelling and shared spaces.



**Figure 1:** Aerial image of the subject site (highlighted in yellow) and surrounding area.



**Figure 2:** Detail image of specific strata lot of unit that is the subject of this application (bordered in blue). The large parcel is located on the fifth floor of the main building with the smaller parcel to the lower left representing the designated parking space.

### 3. Proposal

- 3.1 Planning approval is sought for a Change of Use to Visitor Accommodation, at 51/1 Collins Street, Hobart.
- 3.2 More specifically the proposal is for the complete change of the use of Unit 51, 1 Collins Street from a long term accommodation multiple dwelling to a short term visitor accommodation unit. No development is proposed as part of this change of use application.

### 4. Background

- 4.1 Council has issued planning permits for Visitor Accommodation Use to operate within several other apartments on the property.

- 4.2 Three of these apartments are those at 8, 9, and 29 /1 Collins Street (PLN-17-541, PLN-17-963, and PLN-18-250 respectively). All of these approvals were permitted and issued in accordance with section 58 of the *Land Use Planning and Approvals Act 1993* when the previous *Interim Planning Directive No. 2* *Exemption and Standards for Visitor Accommodation in Planning Schemes* was in effect.
- 4.3 Council has also issued two approvals for visitor accommodation to operate from 37 and 53 / 1 Collins Street (PLN-19-30 and PLN-20-762). These approvals were discretionary and issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993* under the current *Planning Directive 6 Exemption and Standards for Visitor Accommodation in Planning Schemes*.
- 4.4 A further application to change the use of 35/1 Collins Street (PLN-18-513) remains on hold with Council subject to the provision of additional information from the applicant.

## 5. Concerns raised by representors

- 5.1 Ten (10) representations objecting to the proposal were received within the statutory advertising period between 15/02/21 - 01/03/21.
- 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.

Noise:
Representors felt that short term accommodation guests can lead to problems such as noise and late night parties at a much greater frequency than a normal residential tenancy. The representors felt that the change of use would have a detrimental impact on the amenity they currently enjoy.
Security:
Representors raised concern that the flow of unknown visitor accommodation guests contributed towards a feeling of insecurity in the complex. One representor also noted that even those long-term residents living on the wing blocks (Units 1-19) do not have access to the tower block.

Representors raised concerns for the security access for guests and that there would be limited opportunity to monitor or restrict the flow of people entering or leaving.
Residential Character:
Several representations raised concern that the continuing trend of visitor accommodation use supplanting long term residential use will have negative impacts on the quiet and respectful residential character of the complex. This contrasts with the family and group occupancy of group stays which apartments of 2 or 3 bedrooms would target on the short stay market.
Representors felt the complex was not designed for short term stay and visitor accommodation use and the increasing numbers of units being approved is exacerbating the negative impacts of the use.
One representation noted Wapping was envisaged as a residential area and such changes of use are changing the village feel.
Housing Availability:
One representor felt the location is ideally suited for long term residents, particularly those who have jobs at nearby hospitals and arts precincts.
Representors cited the ongoing Hobart housing crisis and that the community is best served by increasing the number of residential opportunities.
Visitor Accommodation Alternatives:
Several representors felt that the surrounding area provided sufficient visitor accommodation options, particularly with new hotels opening, and that these would be more suitable for visitors to stay in.
Body Corporate:
Representors were concerned that visitor accommodation guests will lead to increased costs for owners due to extra cleaning in the common areas and repairing damage to the building, security gates and lifts. Representors that visitors who have no vested interest in the building will have no interest in keeping the complex safe and pleasant for all.

Representors felt there would be increased use of common facilities (pool, gymnasium, and barbeque area) by visitors, ignoring By-laws prohibiting use by short-term visitors, to the detriment of long-term residents.
One representor raised concern that increased visitor accommodation use in the complex would see an increase in strata insurance.
One representor noted inappropriate use of common areas and recalled finding a tent pitched in an upstairs corridor, speculating it was visitor accommodation overflow.
Previous Decisions:
Representors noted that a limit of four approvals existed on the building and this was already too much. Any further approvals were recognised as taking the building over the limit set out in Interim Planning Directive No.6.
One representor felt that the lack of a strong stance by Council over the issue is now threatening the Wapping precinct and expressed concern over the erosion of the area identity as a residential precinct.
Representors felt that the lodgment of objections was not being taken seriously by the Council but wished to make their concerns known.
COVID-19:
One representor raised concern that the constant movement of short-stay visitors may not adhere to government policy and rules in regards to combating the COVID virus.

## 6. Assessment

- 6.1 The *Sullivans Cove Planning Scheme 1997* is a performance based planning scheme. This approach recognises that there are in many cases a number of ways in which a proposal can satisfy desired environmental, social and economic standards. In some cases a proposal will be 'permitted' subject to specific 'deemed to comply' provisions being satisfied. Performance criteria are established to provide a means by which the objectives of the planning scheme may be satisfactorily met by a proposal. Where a proposal relies on performance criteria, the Council's ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located in the Inner City Residential (Wapping) Activity Area of the



*Sullivans Cove Planning Scheme 1997.*

- 6.3 The existing use is Residential (Multiple Dwelling) The proposed use is Visitor Accommodation. The existing use is a permitted use in the Activity Area. The proposed use is a discretionary use in the Activity Area.
- 6.4 The proposal has been assessed against:
- 6.4.1 Planning Directive No.6 - Exemption and Standards for Visitor Accommodation in Planning Schemes
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Planning Directive No.6 - Exemption and Standards for Visitor Accommodation in Planning Schemes - Clause 3.3 (e)
- 6.6 Each performance criterion is assessed below.
- 6.7 Planning Directive No. 6 ("PD6") Exemption and Standards for Visitor Accommodation in Planning Schemes Clause 3.3 (e)
- 6.7.1 The permitted standard at clause 3.3(d) allows a total of 200sqm of visitor accommodation use per parent strata lot.
- 6.7.2 The proposal includes the change of use of a 160sqm unit in Activity Area 1 of the *Sullivans Cove Planning Scheme 1997* from Residential to Visitor Accommodation. There are already other units operating as visitor accommodation use, the floor area in use for visitor accommodation exceeds 200sqm.
- 6.7.3 The proposal does not comply with the permitted standard; therefore assessment against the performance criterion is relied on.
- 6.7.4 The performance criterion at clause 3.3(e) provides as follows:

*Unless 3.3(a) applies, Bed and Breakfast Establishment and Visitor Accommodation that does not comply with the provisions in 3.3(d) is 'Discretionary' in Activity Area 1.0 Inner City Residential (Wapping) subject to the following conditions:*

*Bed and Breakfast Establishment and Visitor Accommodation must:*

*(i) not cause an unreasonable loss of privacy to adjoining properties;*

*(ii) not likely to cause an unreasonable increase in noise;*

*(iii) be of a scale that respects the character and use of the area;*

*(iv) not adversely impact the safety and efficiency of the local road network;*

*(v) not unreasonably disadvantage owners and users of rights of way;*

*(vi) not be located on the same site as a dwelling providing long-term residential accommodation, unless:*

*a. it has a separate ground level pedestrian access to a road; or*

*b. there is an existing mix of uses on the site;*

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

- 6.7.5 Clause 3.3(a) of PD6 does not apply as the dwelling in question is not used by the owner as their main place of residence. The proposal does not comply with clause 3.3(d) as the proposal would result in there being a floor area used for visitor accommodation greater than 200m<sup>2</sup> on the lot. Therefore, the proposed visitor accommodation is discretionary and requires justification against the above conditions.

**Privacy - clause 3.3(e)(i)**

- 6.7.6 The proposed visitor accommodation would be contained within an existing apartment. No additional features that may affect privacy such as windows or elevated decks are proposed. Therefore, the proposal is considered unlikely to cause a loss of privacy. It is noted that the proposal may have an impact upon areas on the site such as lifts, corridors, and entry spaces. However, these spaces are already shared spaces that are not considered to provide privacy.

**Noise - clause 3.3(e)(ii)**

- 6.7.7 While some guests may generate additional noise, the proposed use is considered to be fundamentally similar to a permanent residential use of a unit of the same size. The number of occupants would be no greater in the



unit and the use of the space for cooking, sleeping, relaxation and occasional social activities would be also similar to that found in a permanent residential use. On the assumption that the unit would operate in a similar nature under these different uses, the likelihood of events leading to an unreasonable increase in noise (loud sustained music, large parties, unruly and anti-social guests) would be no greater than if the unit were to remain occupied by a long-term resident.

A requirement of a Visitor Management Plan is recommended, requiring a maximum occupancy, as well as limiting, management and mitigation of noise generated in the unit. Whilst the actions of individuals or groups using the short term stay service to rent the subject site for a Visitor Accommodation Use cannot be predicted or guaranteed, it is expected that the Visitor Management Plan would reduce the likelihood of guests causing an unreasonable increase in noise. It is important that the expectations and requirements of this plan are made clear to any guests with regard to noise generation. It is also considered appropriate to require that the management plan provide contact details for residents should there be any issues arising from Visitor Accommodation guests. It is assessed therefore, that it is unlikely that the occupation of this unit for a Visitor Accommodation use would see an unreasonable increase in noise.

**Scale - clause 3.3(e)(iii)**

- 6.7.8 The question that was raised by representors, and which is also apparent for planning assessment against subclause (iii), is: what number can be classified as a threshold amount of Visitor Accommodation units on the site that would represent being of a scale that does not respect the character and use of the area?
- 6.7.9 The Wapping area has been specified under the *Sullivans Cove Planning Scheme 1997* as an Activity Area with unique characteristics in the inner city area of Hobart. Under clause 15.2, the objectives of the Activity Area make clear that the area is to "*provide for the development of an inner city residential neighbourhood*" and "*to ensure that residential development is the primary focus throughout the Activity Area*" whilst also allowing "*non-residential uses to be developed on a flexible performance approach based on the amenity and characteristics of specific sites.*"

In the context of the subject site, the "*specific site*", the apartment complex at 1 Collins Street was approved by Council in 2003 as "development and

use of the land for the purpose of Demolition, Residential Accommodation and Retail/Commercial." The amenity and characteristics of the site could therefore be understood to reflect the design, operation, and expected enjoyment of the development. The apartment complex presents as a standard multi-residential design with large self-contained dwellings, and no on-site concierge or management who control access or can address resident complaints or issues. The majority of these dwellings are in the multi-storey tower with the remaining dwellings on separate wings and which are a townhouse-style with individual street access.

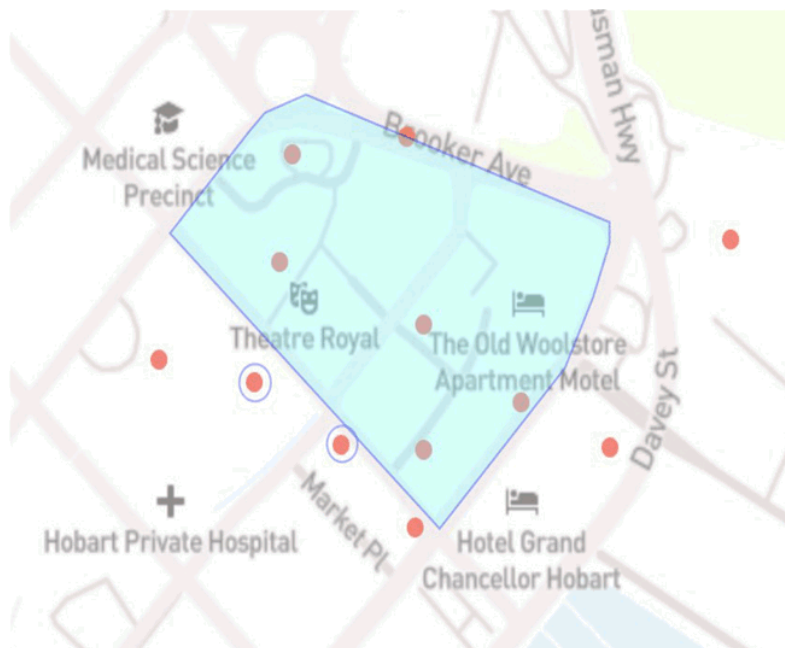
Subsequent to construction there has been no major change of use to the site which has continued to exist for Residential uses, specifically long term tenants. As raised by several representors, the expectation is a standard of reasonable residential amenity that could be found in any Residential use, whether single or multiple dwelling and that these remain of particular uniqueness to the Wapping Activity Area. This sets out the existing character and use of the area that any approval of a non-residential use, specifically Visitor Accommodation, would need to respect. A concern raised by representors is that an increase in Visitor Accommodation would represent a continued erosion of these elements outlined under clause 15.2 to the detriment of the Activity Area.

There are 64 residential lots recorded on the strata title for the site and as discussed in Section 4 of this report, there have also been a total of five Visitor Accommodation units approved on the site. If this application was to be approved, the total number of approved Visitor Accommodation units on the site would be six, and would see the use class make up just over 9% of the total units on the site. The site contains three separate buildings, two wings and one tower. The unit in question is located on the fourth floor of the tower that presently contains 45 units, three of which are visitor accommodation approvals. Visitor Accommodation uses therefore make up 7% of units in the building, with an approval of an additional unit increasing this to 9%.

- 6.7.10 Looking at the scale of Visitor Accommodation use beyond the specific address of 1 Collins Street, several representations also cited the importance of the area as being of residential character and that the continued supplanting of long-term residential use for short-stay guests would be to the detriment of the unique feel and characteristics that the Wapping area possesses. The determination of appropriate scale can be measured not only in the number of previous approvals in the Activity Area, but also the intensity in which they are used. There are already established Visitor Accommodation uses already operating in the Activity

Area, both in the form traditional dedicated accommodation, The Old Woolstore Apartment Hotel, as well as a number of short-term stay uses in residential complexes on Campbell Street, Collins Street, Sackville Street, and Sun Street. A comprehensive study of whether these uses have operated to the detriment of the amenity and characteristics of specific sites within the Activity Area has not been undertaken for the purposes of this assessment.

- 6.7.11 A speculative argument is that the five previously approved units on the site, or even every approved visitor accommodation unit in the activity area, could be operating with booked guests every night and all year long, and that on this basis, the addition of an additional unit may operate with the same success. In this scenario the proposal would arguably demonstrate an operation that would be of a scale that does not respect the character of the area. However, a more reasonable assumption would be that this scenario is exaggerated, although no official data is available to support the number of visitor nights. Data provided by the website Inside Airbnb ([www.insideairbnb.com](http://www.insideairbnb.com)) indicates that within the Hobart City Council Local Government Area the recently and frequently booked listings have an estimation of 193 occupied nights a year with several identified listings under this category being located in the Wapping Activity Area (Figure 3). On the basis of this information, it would be reasonable to predict that any future listing, like the current proposal, may have a similar level of occupation. In the absence of regulatory power to limit the number of guest nights Council has made efforts to manage the operation of these approved Visitor Accommodation uses through a condition of a management plan. Of the five previous approvals in the 1 Collins Street complex, only two units have had conditions of a management plan, both of which are located in the central tower block. The complaints raised by representors from visitor accommodation guests in the building do not specify whether these are linked to these specific units, although there were specific references to disturbances by potential guests in this building.



**Figure 3:** 'Recent and frequently booked' Airbnb listings in the Wapping Activity Area (highlighted in blue). Please note: confirmed additional listings incorrectly located outside the Activity Area have been circled in blue. *Source: www.insideairbnb.com accessed 03/03/2021.*

- 6.7.12 The continued growth of Visitor Accommodation uses in the Wapping Activity Area has been argued by representors to be unreasonable. The representations uniformly raise concerns about the land use conflict within the 1 Collins Street complex, as well as the wider Activity Area. The concern for the erosion of the residential character by a non-residential use is not an element of the criteria for assessment under clause 3.3(e), rather the requirement is that the scale of the use would respect those character elements.
- 6.7.13 Given that the Scheme anticipates uses in Wapping other than Residential and that there is already existing Visitor Accommodation use in the area (including the Old Woolstore Apartment Hotel and other individual properties), the use of Visitor Accommodation clearly falls within the character and use of the area. The question of scale is difficult to answer conclusively. However, given that the occupancy rate is anticipated to be approximately 50% of the year, and that this unit would bring the total use of Visitor Accommodation to 9% within the site, it is concluded that the scale of the use does respect the character and use of the area.

**Impact on road network - clause 3.3(e)(iv)**

- 6.7.14 The building is existing, along with car parking allocated for the use of the individual residences. As such, there is limited scope for vehicles associated with the proposed visitor accommodation use. Given the vehicles associated with the existing approved residential use of the site, it is considered that there will be little or no impact on the safety and efficiency of the road networks resulting from the proposed change of use.

**Rights of Way - clause 3.3(e)(v)**

- 6.7.15 There are no rights of way relied upon to facilitate access to the site.

**Impact on amenity of long term residents - clause 3.3(e)(vi)**

- 6.7.16 There is an existing mix of uses on the site, earlier approved Visitor Accommodation units alongside existing long term Residential Use, such that separate ground floor access is not required for the unit to facilitate its proposed change of use. One representor raised issue with the appropriate consideration of 'mixed use' under subclause (vi) (b) for Visitor Accommodation if the only other use on the site is earlier approved Visitor Accommodation. PD6 does not define 'mixed use' and there is no reason to depart from the usual interpretation of this phrase, to mean simply more than one use. This is satisfied here, given that there is Residential use and Visitor Accommodation use on the site.
- 6.7.17 The representations assert that the existing Visitor Accommodation use on the site is creating issues for long term resident amenity through noise, disturbance, repairs, and security concerns. While those concerns have not been raised with the Council to date, they have apparently been raised with the Body Corporate. In assessing this requirement, it is relevant that if a permit is granted, this would be the only unit with planning permission to carry out Visitor Accommodation on that floor; the units which already have Visitor Accommodation are on different floors and on the wings. This will minimise the impact to any specific residents. It is considered that a Visitor Management Plan is adequate to manage the risks posed to the amenity of long term residents within the sites, so that any impacts will not be unreasonable.

Correctly following the directions of this plan, it could reasonably be considered the proposed use would be able to operate in a manner respectful of the Amenity Area character and use. In the absence of other

regulatory options for management of the use, the recommendation will be that a condition for a visitor management plan to a similar standard with the previous approvals under PLN-19-30 and PLN-20-762 be included in the permit of approval. This will seek to guarantee that the operation and scale of the use is appropriately managed to the satisfaction of Council, long term residents, as well as ensuring the character and use of the Amenity Area is respected.

6.7.18 The proposal complies with the performance criterion.

## **7. Discussion**

7.1 Planning approval is sought for a Change of Use to Visitor Accommodation, at 51/1 Collins Street, Hobart.

7.2 The application was advertised and received ten (10) representations. The representations raised a number of concerns including noise, security, residential character, visitor accommodation alternatives, housing availability, body corporate management, COVID-19, and previous decisions made by Council. The concerns of the representors are acknowledged, and where they relate to the discretion invoked, they have been dealt with comprehensively in section 6 of this report.

Fundamentally, it is a difficult question to resolve the question: at what point does approving Visitor Accommodation units in this apartment complex become of such a scale that it is out of character with the area. It is noted that even if this application is approved, still less than 10% of all apartments in this complex are approved to operate as visitor accommodation. Concerns regarding amenity impacts and behavioural issues of potential guests in the Visitor Accommodation unit are also acknowledged. Again this is a difficult issue to resolve. However it is considered that so long as the requirements of the proposed management plan are adhered to, then it seems reasonable to assume that guests of the visitor accommodation unit would not have an unacceptable impact on the amenity of long term residents.

7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well, with safeguarding conditions.

7.4 The proposal is recommended for approval.

## **8. Conclusion**

- 8.1 The proposed change of use to Visitor Accommodation at 51/1 Collins Street, Hobart satisfies the relevant provisions of the *Sullivans Cove Planning Scheme 1997*, and as such is recommended for approval.

## 9. Recommendations

That: Pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for change of use to Visitor Accommodation at 51/1 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-21-63 - 51 1 COLLINS STREET HOBART TAS 7000 - 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. 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 limit, manage, and mitigate behavioural issues caused as a result of the visitor accommodation.**
3. **To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.**
4. **To specify the maximum permitted occupancy of the visitor accommodation.**
5. **To provide a contact number in the case of issues that require resolution.**

**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. In the event that the property is sold, the management plan must be updated within 14 days of the transfer of**



**ownership.**

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.

**BUILDING PERMIT**

You may need building approval in accordance with the *Building Act 2016*. Click [here](#) for more information.

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

**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.

If you are in a bushfire prone area there may be a need to create/review the Bushfire Management Hazard Plan for your property.

If you have a spa or a pool at your property then you are required to test for microbiological quality and chemical parameters on a monthly basis, under the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2715.

If you are providing food for consumption on the property, you may require a food business registration in accordance with the Food Act 2003. Click [here](#) for more

information, or call our Environmental Health team on 6238 2715.

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.



(Michael McClenahan)  
**Assistant 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: 9 March 2021

**Attachment(s):**

Attachment B - CPC Agenda Documents

Planning: #224136

**Property**

51/1 COLLINS STREET HOBART TAS 7000

**People**

Applicant

\*

SIMON ROBUSTELLI  
0407 096 167  
simonrobustelli@gmail.com

Owner

\*

SIMON ROBUSTELLI  
0407 096 167  
simonrobustelli@gmail.com

Entered By

SIMON ROBUSTELLI  
0407 096 167  
simonrobustelli@gmail.com**Use**

Visitor accomodation

**Details**

Have you obtained pre application advice?

•

If YES please provide the pre application advice number eg PAE-17-xx

Are you applying for permitted visitor accommodation as defined by the State Government Visitor Accommodation Standards? Click on help information button for definition. If you are not the owner of the property you MUST include signed confirmation from the owner that they are aware of this application.

\*

• ☐ Yes

Is the application for SIGNAGE ONLY? If yes, please enter \$0 in the cost of development, and you must enter the number of signs under Other Details below.

\*

• ☐ No

If this application is related to an enforcement action please enter Enforcement Number

**Details**

What is the current approved use of the land / building(s)?

\*

Residential/ long term accommodation

Please provide a full description of the proposed use or development (i.e. demolition and new dwelling, swimming pool and garage)

\*

Short Term accommodation

Estimated cost of development

\*

25000.00

Existing floor area (m2)

Proposed floor area (m2)

Site area (m2)

### Carparking on Site

N/A

☐ Other (no selection chosen)

Total parking spaces

Existing parking spaces

### Other Details

Does the application include signage?

\*

☐ No

How many signs, please enter 0 if there are none involved in this application?

\*

0

### Tasmania Heritage Register

Is this property on the Tasmanian Heritage Register?

•

### Documents

#### Required Documents

Title (Folio text and Plan and Schedule of Easements)

\*

Title.pdf

Plans (proposed, existing)

\*

Plan.pdf

51 1 Collins Street - Additional Attachment

51 1 Collins Street - Additional Attachment.pdf

**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME 143029	FOLIO 51
EDITION 4	DATE OF ISSUE 26-May-2010

SEARCH DATE : 15-Dec-2020

SEARCH TIME : 10.39 AM

DESCRIPTION OF LAND

City of HOBART

Lot 51 on Strata Plan 143029 and a general unit entitlement  
operating for all purposes of the Strata Scheme being a 499  
undivided 1/37910 interest

Derived from Strata Plan 143029

Derivation : For grantees see Sealed Plan No. 142611

SCHEDULE 1M150297 TRANSFER to NEDA MIRKAZEMI Registered 30-Oct-2007  
at 12.01 PMSCHEDULE 2Reservations and conditions in the Crown Grant if any  
The registered proprietor holds the lot and unit entitlement  
subject to any interest noted on common property  
Folio of the Register volume 143029 folio 0

SP 142611 EASEMENTS in Schedule of Easements

SP 142611 COVENANTS in Schedule of Easements

A164683 FENCING CONDITION in Transfer

C579899 FENCING CONDITION in Transfer

C816791 MORTGAGE to Australia and New Zealand Banking Group  
Limited Registered 30-Oct-2007 at 12.02 PMC969876 MORTGAGE to Australia and New Zealand Banking Group  
Limited Registered 26-May-2010 at noonUNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



## RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



## SEARCH OF TORRENS TITLE

VOLUME 143029	FOLIO 0
EDITION 3	DATE OF ISSUE 29-Aug-2005

SEARCH DATE : 15-Dec-2020

SEARCH TIME : 10.39 AM

DESCRIPTION OF LAND

City of HOBART

The Common Property for Strata Scheme 143029

Derivation : For grantees see Sealed Plan No. 142611

Prior CT 142611/1

SCHEDULE 1

STRATA CORPORATION NUMBER 143029, ONE COLLINS

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

143029 FIRST BY-LAWS lodged with the strata plan

SP 142611 EASEMENTS in Schedule of Easements

SP 142611 COVENANTS in Schedule of Easements

A164683 FENCING CONDITION in Transfer

C579899 FENCING CONDITION in Transfer

C606279 DECLARATION pursuant to Section 75CA of the  
Conveyancing and Law of Property Act 1884 Registered  
04-Jan-2005 at noon

C559634 APPLICATION by body corporate to amend strata plan  
Registered 01-Mar-2005 at noon

C617228 DECLARATION pursuant to Section 75CA of the  
Conveyancing and Law of Property Act 1884 Registered  
01-Mar-2005 at noon

C628834 BURDENING EASEMENT: Pipeline Easement for the Hobart  
City Council over the Pipeline Easement shown on  
Strata Plan No.143029 Registered 29-Aug-2005 at noon

C866786 APPLICATION by owners to amend strata plan 143029 by  
deleting area of Lot 100 and increasing area of Lot  
23 Registered 06-Aug-2009 at 12.01 PM

C947677 APPLICATION by owners to amend strata plan 143029 by  
amending Lots 31 & 33 by exchanging car parks  
Registered 09-Jun-2010 at noon

C987724 APPLICATION for registration of change of by-laws  
Registered 01-Nov-2010 at noon

C949798 APPLICATION by owners to amend strata plan 143029 by  
decreasing area of Lot 100 & increasing areas of Lots

**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

39 & 58 Registered 25-May-2011 at noon  
D110502 ORDER FOR RELIEF by the Recorder of Titles  
Registered 10-Jan-2014 at noon  
D160965 APPLICATION for registration of change of by-laws  
Registered 14-Apr-2015 at noon  
M526718 APPLICATION by owners to amend strata plan 143029 by  
transferring car park space from Lot 23 to Lot 25  
Registered 01-Dec-2015 at noon  
E81379 ORDER of the Recorder of Titles under Part 9 Strata  
Titles Act 1998 Registered 12-Apr-2017 at noon  
C628684 APPLICATION to amend strata by adding new lots 20 to  
59 Registered 29-Aug-2005 at noon  
C630415 APPLICATION by lot owners to amend strata plan by  
amending Lot 100 and adding Lots 68, 71 & 6970  
Registered 13-Jan-2006 at noon  
C728338 APPLICATION by body corporate to amend strata plan by  
amending Lot 100, adding Lots 72 & 73 and increasing  
common property Registered 06-Mar-2007 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

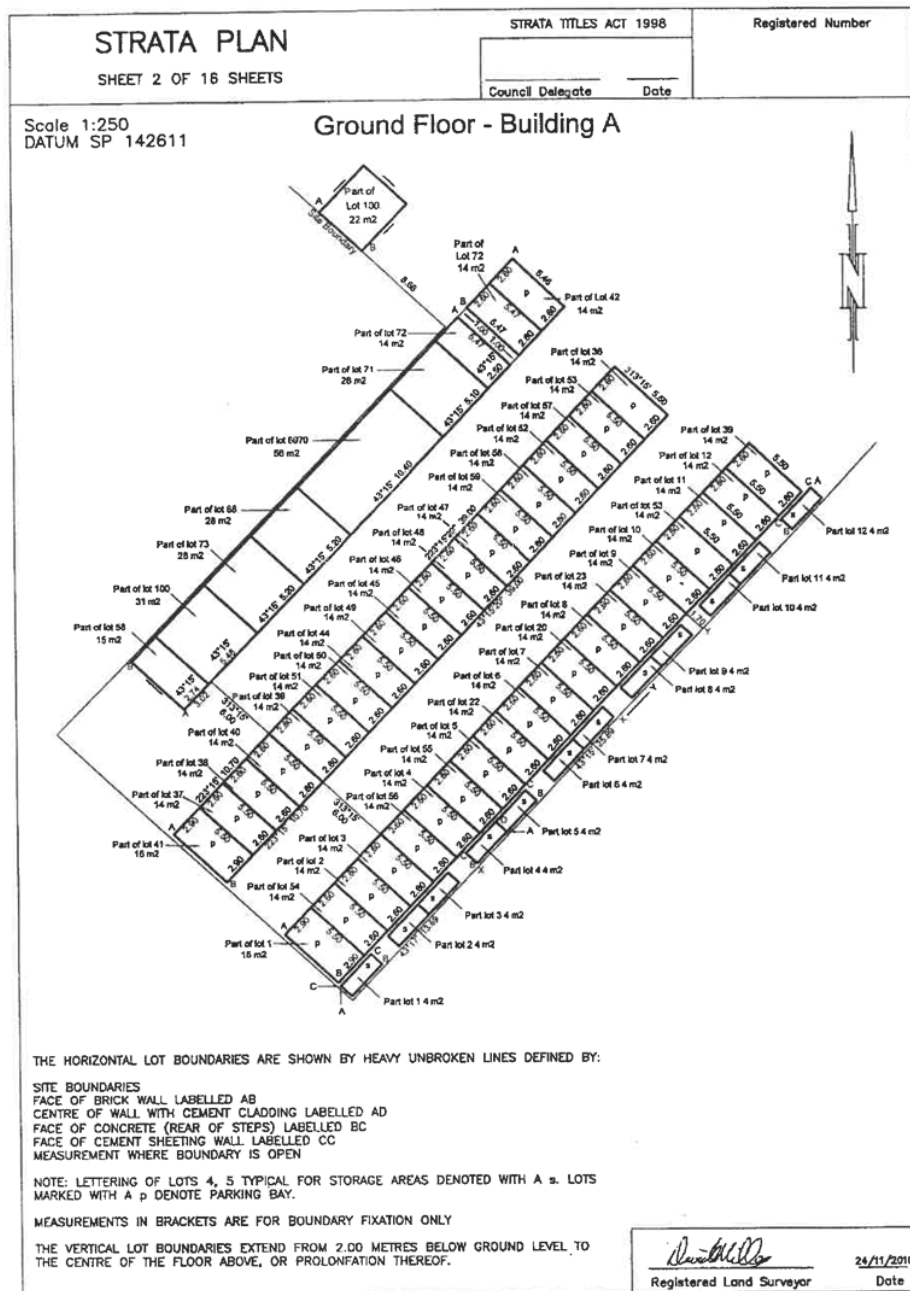




## PLAN-RELATED DOCUMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



CITY/TOWN HOBART SUBURB/LOCALITY HOBART FOLIO REFERENCE C.T.14261/1 SITE COMPRISES THE WHOLE OF LOT 1 ON PLAN No. S.P.14261		STRATA PLAN NEW SHEET 1 OF 16		Registered Number <b>143029</b>
NAME OF STRATA SCHEME ONECOLLINS		STRATA TITLES ACT 1998 REGISTERED 4 JAN 2005 <i>Alie Kawa</i> Recorder of Titles.		
MAPSHEET MUNICIPAL CODE No. 114 (5225-42)	LAST UP! No.	SCALE 1: 500	LENGTHS IN METRES	

SITE PLAN

NOTES: (i) ALL BUILDINGS ON THE SITE TO BE SHOWN ON SHEET 1.  
(ii) BUILDING TO SITE BOUNDARY OFFSETS OF LESS THAN 2.00 METRES TO BE SHOWN ON SHEET 1.

STAGED/COMMUNITY DEVELOPMENT. SCHEME No. (IF APPLICABLE)	 Council Delegate 19/8/2005 Date	 Registered Land Surveyor 09/08/05 Date
---	---	--

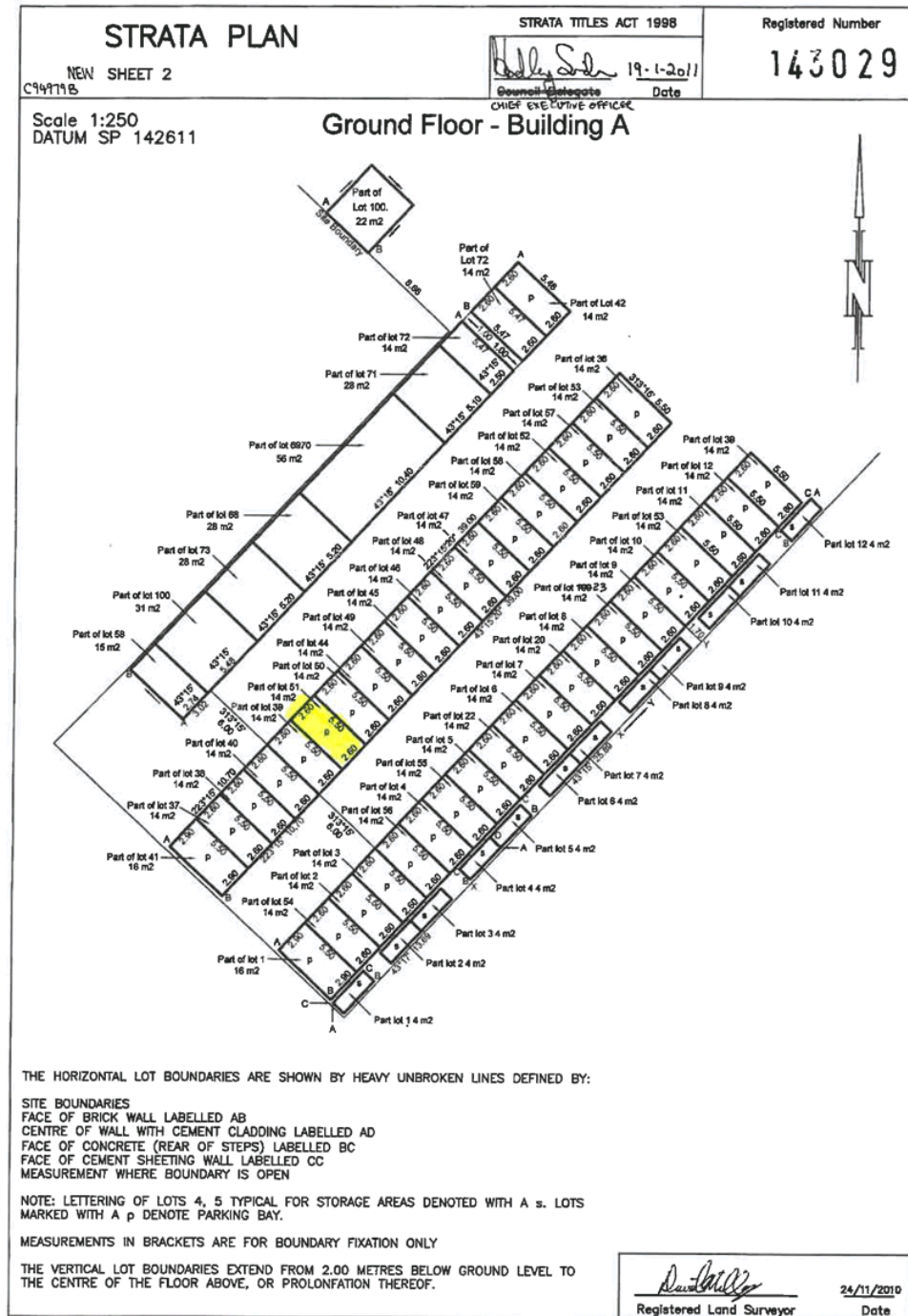
LODGED BY : Wong, McDermott & White



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

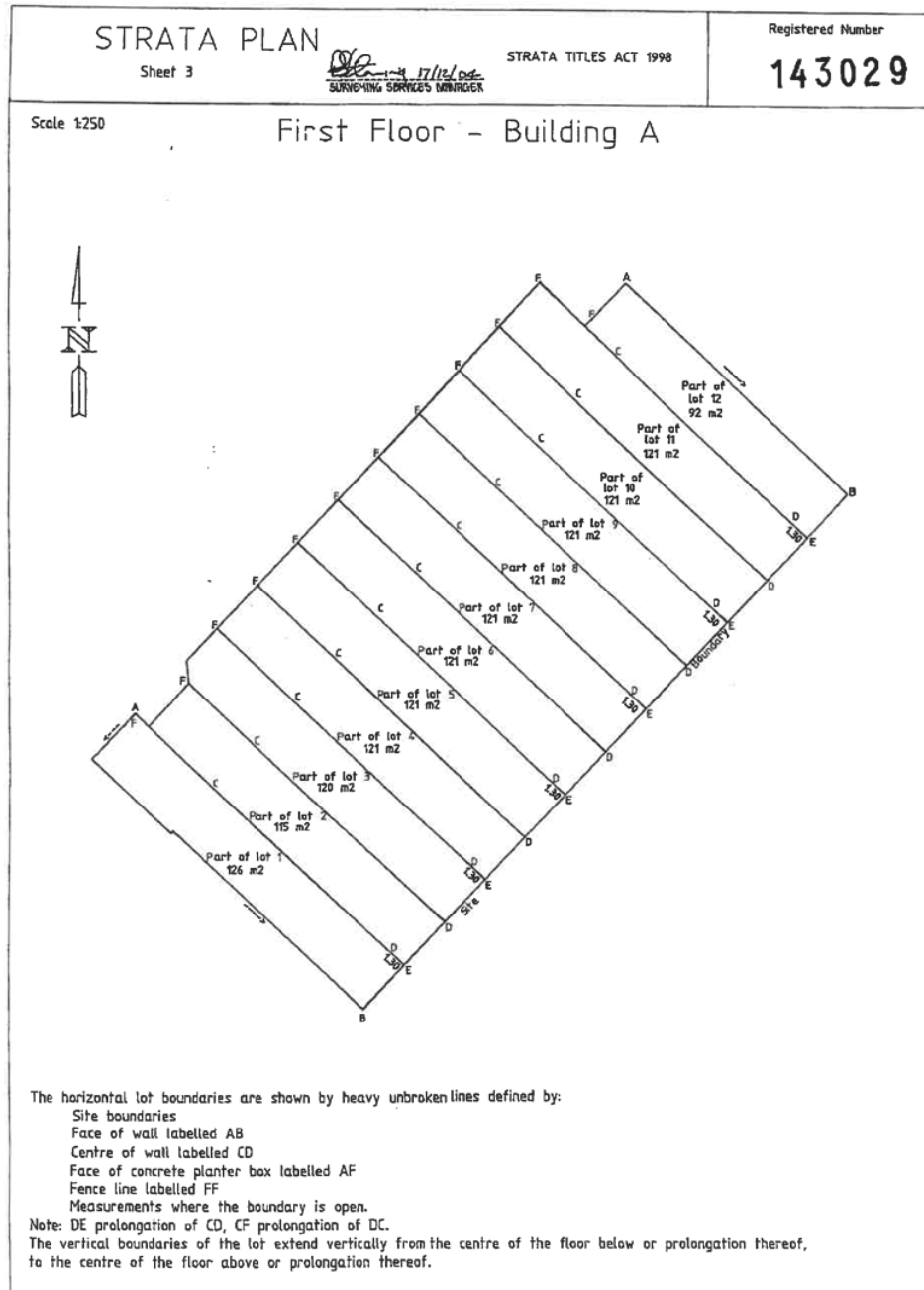




## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

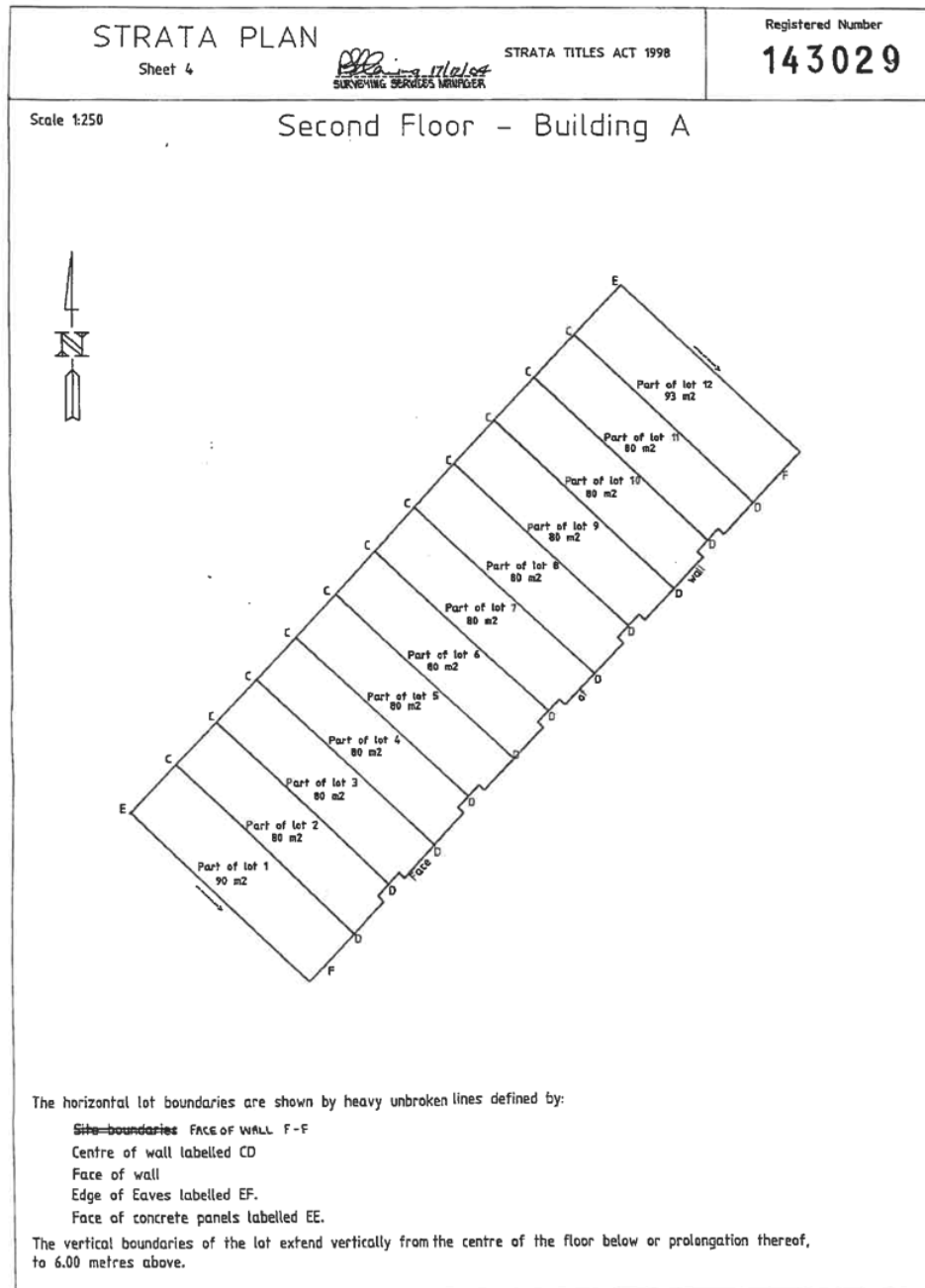




## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





# FOLIO PLAN

## RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



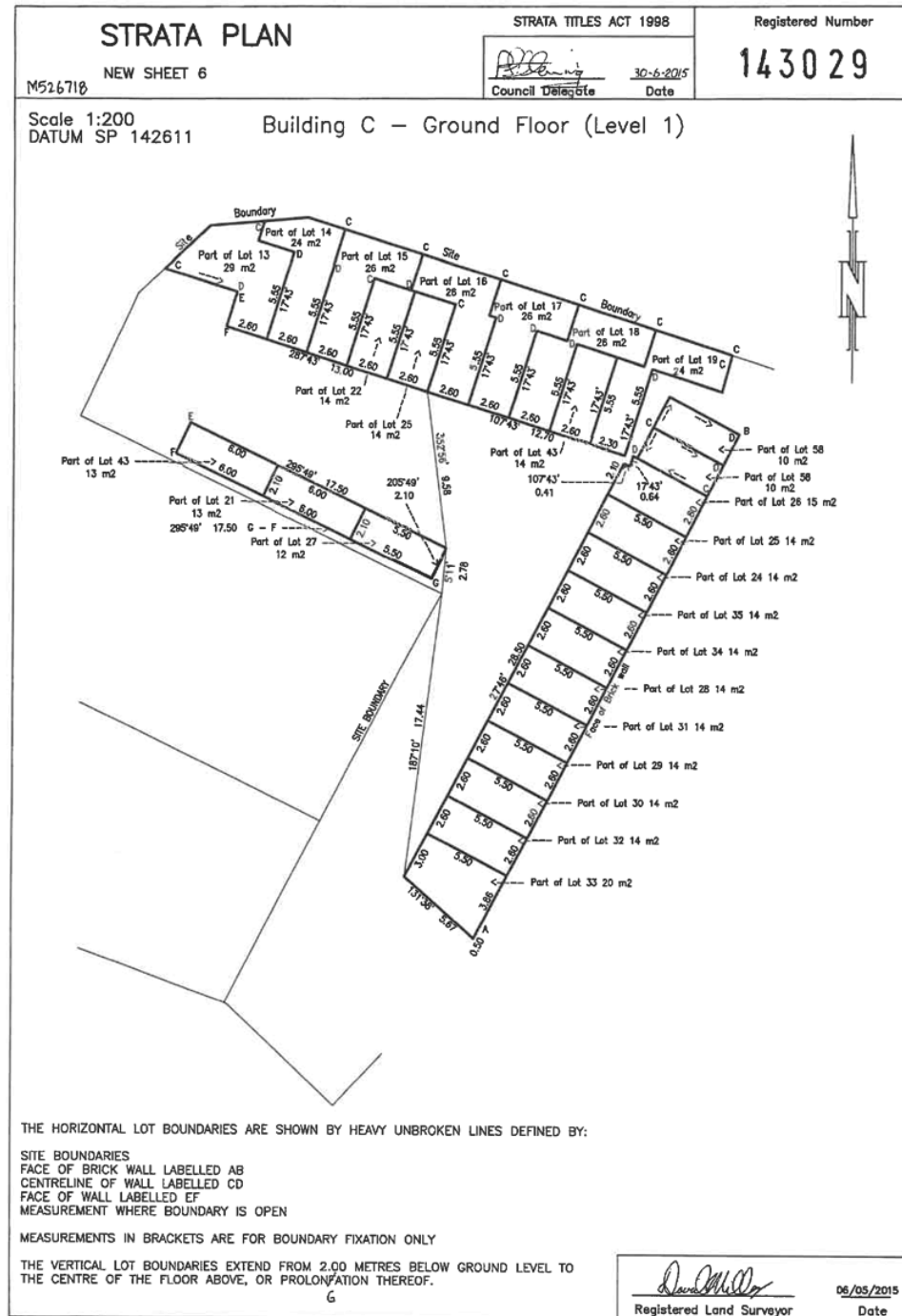
<b>STRATA PLAN</b> NEW SHEET 5 C72.633B				STRATA TITLES ACT 1998				Registered Number <b>143029</b>	
NAME OF BODY CORPORATE: ONECOLLINS, STRATA CORPORATION No. 143029								* The Body Corporate, Strata Plan No. 143029 C/- Tas Strata & Property Group Pty Ltd Level 2/29 Salamanca Place Battery Point TAS 7004	
ADDRESS FOR THE SERVICE OF NOTICES: * <del>The Body Corporate SP 143029</del> <del>C/- Tas Strata &amp; Property Group Pty Ltd</del> <del>85 Main Road</del> <del>MOONAH TAS 7008</del>									
<b>SURVEYORS CERTIFICATE</b>  I, <u>Anthony Owen Carrick</u> of <u>Hobart</u> a surveyor registered under the Land Surveyors Act 1989 certify that the building erected on the site and drawn on sheet 1 of this plan is within the external boundaries of the folio stated on sheet 1.						<b>Council Certificate</b>  I certify that the <u>Sullivan Cove Waterfront Authority</u> has: (a) approved the lots shown in this plan and (b) issued this certificate of approval in accordance with section 31 of the Strata Titles Act 1998.			
<u>duy bauck</u> 21/04/06 04244 Registered Land Surveyor Date Ref No.						<u>[Signature]</u> 21.07.06 <del>Managing Surveying Services</del> date ref no. <b>CHIEF EXECUTIVE</b>			
<b>GENERAL UNIT ENTITLEMENTS</b>									
LOT	UNIT ENTITLEMENT	LOT	UNIT ENTITLEMENT	LOT	UNIT ENTITLEMENT	LOT	UNIT ENTITLEMENT	LOT	UNIT ENTITLEMENT
1.	480	18	469	35	379	52	496		
2.	479	19	489	36	499	53	579		
3	479	20	519	37	495	54	585		
4	479	21	499	38	489	55	599		
5	450	22	509	39	509	56	589		
6	450	23	499	40	529	57	529		
7	450	24	509	41	489	58	509		
8	450	25	499	42	479	59	535		
9	450	26	519	43	519				
10	450	27	395	44	489	68	1450		
11	450	28	499	45	509	6970	2845		
12	475	29	449	46	529	71	1495		
13	389	30	459	47	539	72	1474		
14	489	31	489	48	529	73	1598		
15	469	32	499	49	519	100	2		
16	469	33	509	50	489				
17	469	34	499	51	499				
TOTAL ENTITLEMENTS FOR STRATA PLAN = 37910									



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>STRATA PLAN</b> SHEET 7		STRATA TITLES ACT 1998 <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <i>David Miller</i>            Council Delegate         </div> <div style="text-align: center;">           8/2/2005            Date         </div> </div>	Registered Number <div style="font-size: 1.5em; font-weight: bold;">143029</div>
<div style="display: flex; justify-content: space-between;"> <span>Scale 1:200</span> <span>Building C - First Floor (Level 2)</span> </div> <div style="text-align: right; margin-top: 20px;"> </div> <div style="text-align: center; margin-top: 20px;"> </div> <div style="margin-top: 20px;"> <p>The horizontal lot boundaries are shown by heavy unbroken lines defined by:</p> <ul style="list-style-type: none"> <li>Site Boundaries</li> <li>Outside face of wall labelled AB</li> <li>Centreline of wall labelled CD</li> <li>Fence line labelled BE</li> <li>CF is the prolongation of DC</li> </ul> <p>Measurements where the boundary is open.</p> <p>The vertical boundaries of the lot extend vertically from the centre of the ceiling below or prolongation thereof to the centre of the ceiling above or the prolongation thereof</p> <p>Measurements in brackets are for boundary fixation only.</p> </div> <div style="text-align: right; margin-top: 20px;"> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <i>Ray Bawick</i>            Registered Land Surveyor         </div> <div style="text-align: center;">           12/01/05            Date         </div> </div> </div>			





## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>STRATA PLAN</b> SHEET 8	STRATA TITLES ACT 1998 <i>Randall Miller</i> Council Delegate	8/2/2005 Date	Registered Number <b>143029</b>
-------------------------------	---	------------------	------------------------------------

Scale 1:200      Building C - Second Floor (Level 3)

The horizontal lot boundaries are shown by heavy unbroken lines defined by:  
 Face of wall  
 Centreline of wall labelled CD  
 Face of deck labelled DD

Measurements where the boundary is open.  
 The vertical boundaries of the lot extend vertically from the centre of the ceiling below or prolongation thereof  
 to the centre of the ceiling above or the prolongation thereof  
 Measurements in brackets are for boundary fixation only.

*Ray Barwick*  
 Registered Land Surveyor      12/01/05  
 Date



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>STRATA PLAN</b> SHEET 9	STRATA TITLES ACT 1998 <div style="display: flex; justify-content: space-around; font-size: small;"> <div> <i>[Signature]</i>              Council Delegate           </div> <div> <i>31/03/2021</i>              Date           </div> </div>	Registered Number <div style="font-size: large; font-weight: bold;">143029</div>
-------------------------------	---	---

Scale 1:200      Building C - Third Floor (Level 4)

The horizontal lot boundaries are shown by heavy unbroken lines defined by:  
 Face of wall  
 Centreline of wall  
 Measurements where the boundary is open.

The vertical boundaries of the lot extend vertically from the centre of the ceiling below or prolongation thereof to 6.00 metres above.

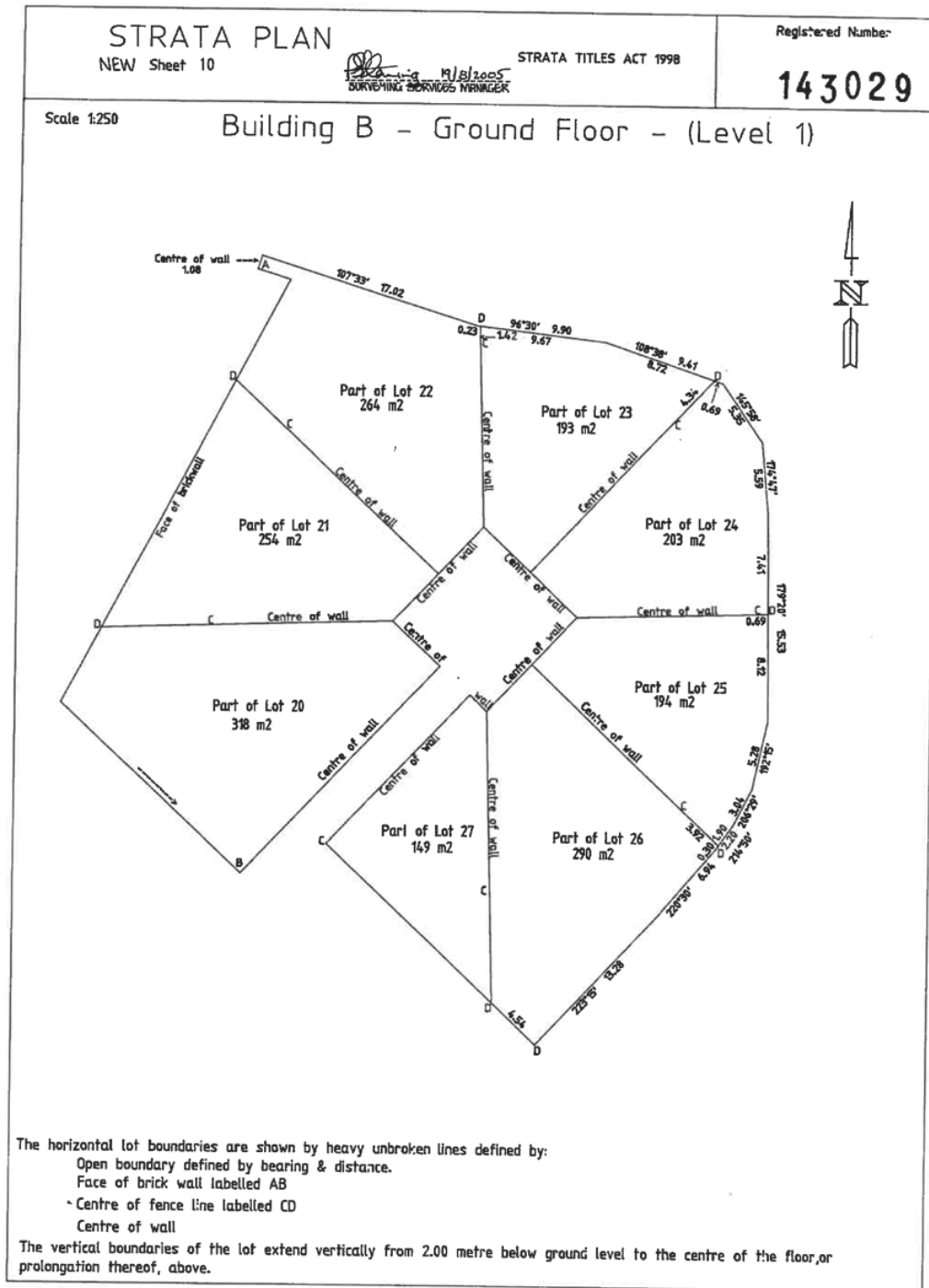
Measurements in brackets are for boundary fixation only.

*[Signature]*  
 Registered Land Surveyor

*12/01/05*  
 Date

the **List**...**FOLIO PLAN**  
RECORDER OF TITLES

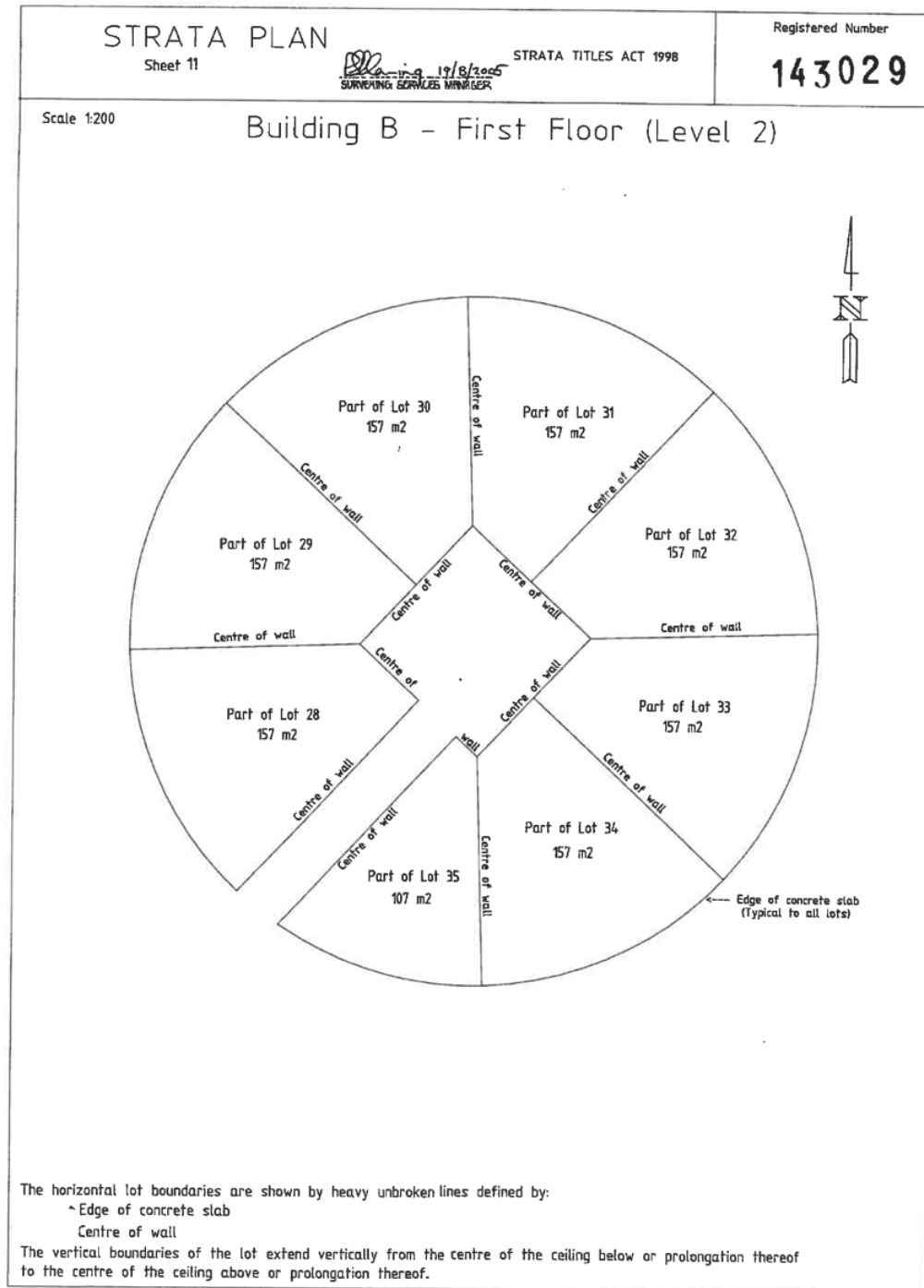
Issued Pursuant to the Land Titles Act 1980



the **List**...**FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



the **List**...**FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

**STRATA PLAN**

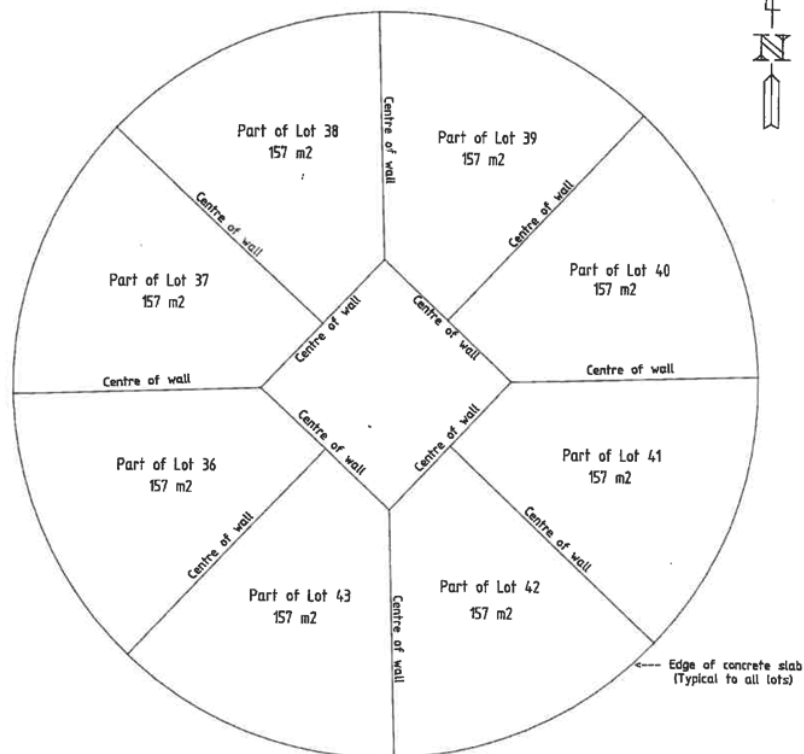
Sheet 12

STRATA TITLES ACT 1998

Registered Number

**143029**

Scale 1:200

**Building B - Second Floor (Level 3)**

The horizontal lot boundaries are shown by heavy unbroken lines defined by:  
 ^ Edge of concrete slab  
 Centre of wall

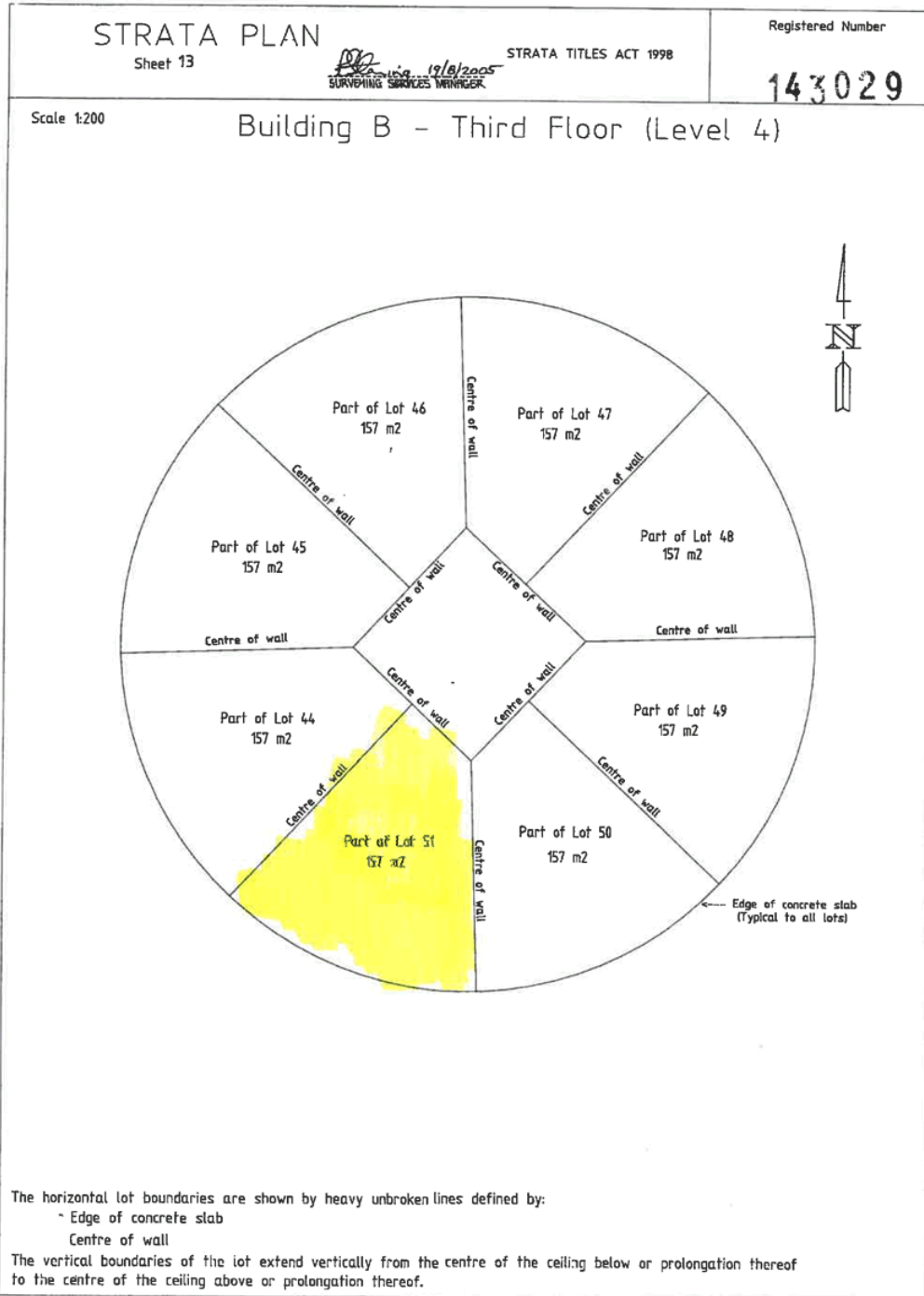
The vertical boundaries of the lot extend vertically from the centre of the ceiling below or prolongation thereof to the centre of the ceiling above or prolongation thereof.

the List...

## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



the **List**...**FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

**STRATA PLAN**

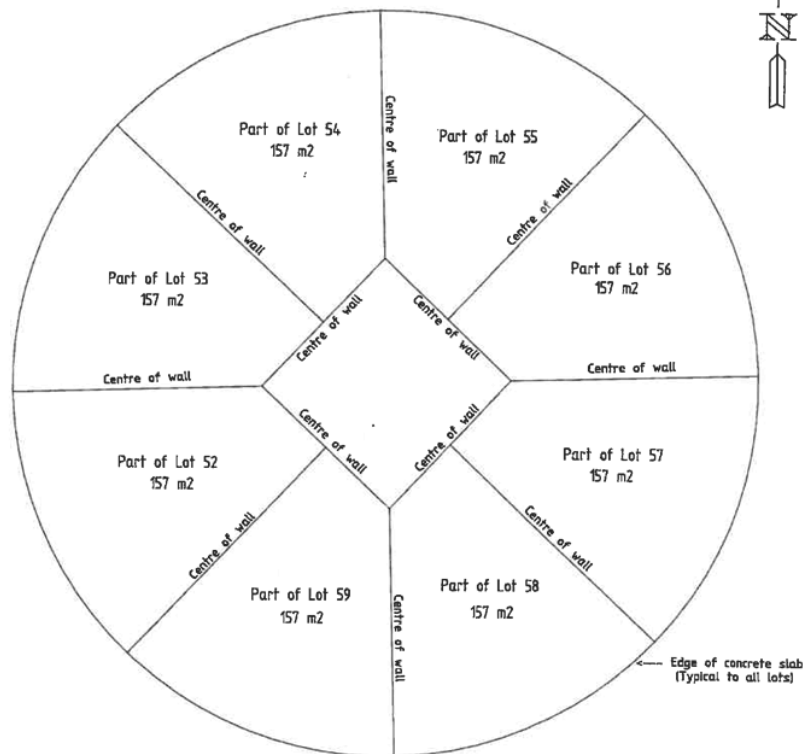
Sheet 14

STRATA TITLES ACT 1998

Registered Number

**143029**

Scale 1:200

**Building B - Fourth Floor (Level 5)**

The horizontal lot boundaries are shown by heavy unbroken lines defined by:

~Edge of concrete slab

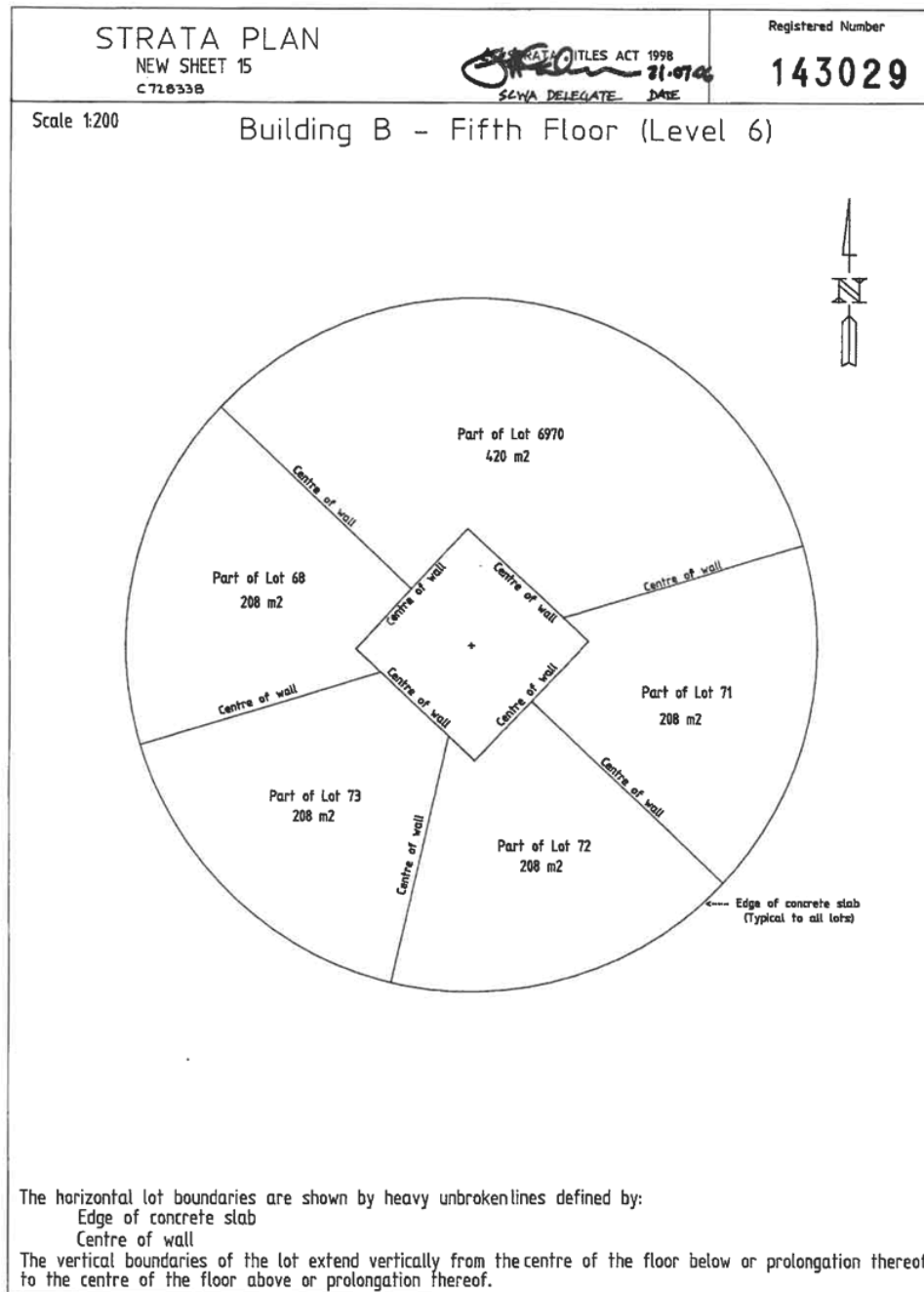
Centre of wall

The vertical boundaries of the lot extend vertically from the centre of the ceiling below or prolongation thereof to the centre of the ceiling above or prolongation thereof.

the **List**...**FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

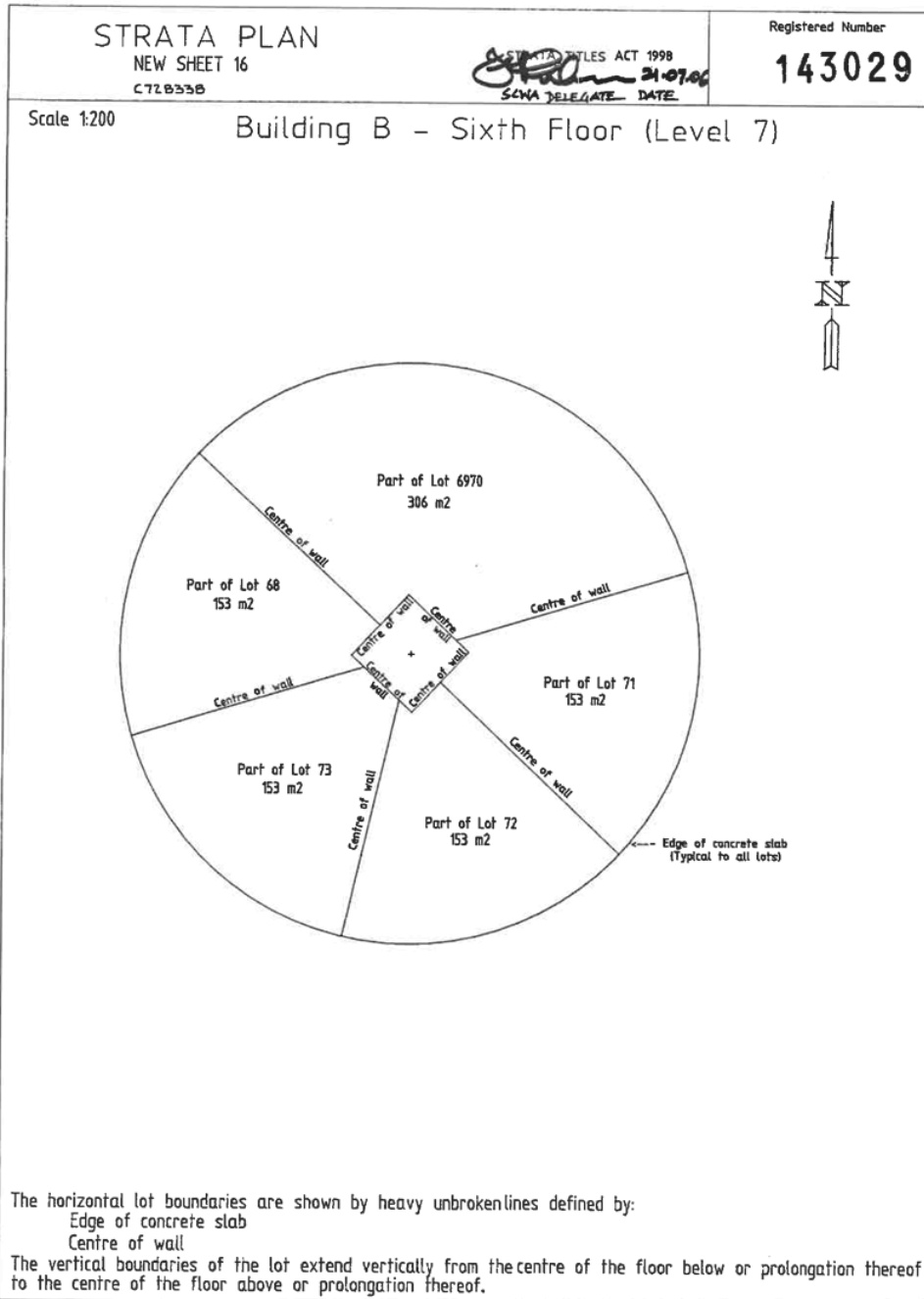




the **List**...**FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1998



1 Collins St  
Sullivan Cove Planning  
Scheme  
Activity Area 1.0  
Mapping

### Planning Directive No. 6

## Exemption and Standards for Visitor Accommodation in Planning Schemes

This Planning Directive has been issued by the Minister for Planning under section 13(1) of the former provisions of the *Land Use Planning and Approvals Act 1993* (the Act) and came into effect on 1 August 2018<sup>1</sup>. It replaces *Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes* which came into effect on 1 July 2018

---

<sup>1</sup> References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the **former provisions** of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The **former provisions** apply to a planning scheme that was in force prior to the **commencement day** of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The **commencement day** was 17 December 2015.

Version	Issue date	Description
1.0	1 July 2018	Original version, replaces Interim Planning Directive No. 2
2.0	1 August 2018	Modification to clarify clause 3.1(e) Acceptable Solution A1

Planning Directive No. 6  
Exemption and Standards for Visitor Accommodation in Planning Schemes

**1.0 Citation**

This planning directive may be cited as Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes.

**2.0 Application****2.1 This planning directive applies to the following planning schemes:**

- (a) interim planning schemes that have been declared or made under the *Land Use Planning and Approvals Act 1993* (the Act);
- (b) notwithstanding 2.1(a), the area identified as Battery Point Heritage Precinct (BP1) in the Hobart Interim Planning Scheme 2015 is excluded from the application of 3.1(c), 3.1(d) and 3.1(e);
- (c) the *Flinders Planning Scheme 2000*; and
- (d) the *Sullivans Cove Planning Scheme 1997*.

**3.0 Effect of the planning directive (Mandatory provisions)****3.1 For all interim planning schemes to which this planning directive applies must have the effect that:**

- (a) the description for the Use Class of Visitor Accommodation is:  
use of land for providing short or medium term accommodation, for persons away from their normal place of residence, on a commercial basis or otherwise available to the general public at no cost. Examples include a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential hotel and serviced apartment.
- (b) the following use is exempt from requiring a planning permit:  
Visitor Accommodation in a dwelling (including an ancillary dwelling) if:
  - (i) the dwelling is used by the owner or occupier as their main place of residence, and only let while the owner or occupier is on vacation or temporarily absent; or
  - (ii) the dwelling is used by the owner or occupier as their main place of residence, and visitors are accommodated in not more than 4 bedrooms.
- (c) unless 3.1(b) applies, Visitor Accommodation is 'Permitted' with no qualification within the Use Tables for General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone, Environmental Living Zone and Village Zone.
- (d) Unless 3.1(b) applies, the following standards must be complied with:
  - (i) all relevant zone development standards for buildings and works; and
  - (ii) all relevant use and development standards if within an applicable zone or code.
- (e) the following use standard for Visitor Accommodation is in substitution for all Visitor Accommodation use standards in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone, Environmental Living Zone and Village Zone:

Planning Directive No. 6  
Exemption and Standards for Visitor Accommodation in Planning Schemes

**Visitor Accommodation**

<b>Objective:</b>	
<p>That Visitor Accommodation:</p> <ul style="list-style-type: none"> <li>(a) is compatible with the character and use of the area;</li> <li>(b) does not cause an unreasonable loss of residential amenity; and</li> <li>(c) does not impact the safety and efficiency of local roads or rights of way.</li> </ul>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>Visitor Accommodation must:</p> <ul style="list-style-type: none"> <li>(a) accommodate guests in existing habitable buildings; and</li> <li>(b) have a gross floor area of not more than 200m<sup>2</sup> per lot.</li> </ul>	<p><b>P1</b></p> <p>Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the privacy of adjoining properties;</li> <li>(b) any likely increase in noise to adjoining properties;</li> <li>(c) the scale of the use and its compatibility with the surrounding character and uses within the area;</li> <li>(d) retaining the primary residential function of an area;</li> <li>(e) the impact on the safety and efficiency of the local road network; and</li> <li>(f) any impact on the owners and users rights of way.</li> </ul>
<p><b>A2</b></p> <p>Visitor Accommodation is not for a lot, as defined in the <i>Strata Titles Act 1998</i>, that is part of a strata scheme where another lot within that strata scheme is used for a residential use.</p>	<p><b>P2</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>(a) the privacy of residents;</li> <li>(b) any likely increase in noise;</li> <li>(c) the residential function of the strata scheme;</li> <li>(d) the location and layout of the lots;</li> <li>(e) the extent and nature of any other non-residential uses; and</li> <li>(f) any impact on shared access and common property.</li> </ul>

Planning Directive No. 6

---

Exemption and Standards for Visitor Accommodation in Planning Schemes

- (f) For the purpose of A2 and P2 in the Visitor Accommodation Use Standard in 3.1(e), the meaning of "lot"<sup>2</sup> and "strata scheme"<sup>3</sup> is as defined in the *Strata Titles Act 1998*.
- 3.2 For the *Flinders Planning Scheme 2000* to which this planning directive applies must have the effect that:
- (a) The use of a House, House and Ancillary Apartment or Grouped Housing (the premises) for Visitor Accommodation is exempt from requiring a planning permit, if:
- (i) the premises is used by the owner or occupier as their main place of residence, and only let while the owner or occupier is on vacation or temporarily absent; or
  - (ii) the premises is used by the owner or occupier as their main place of residence, and visitors are accommodated in not more than 4 bedrooms.
- (b) For the purposes of clause 3.2(a) Visitor Accommodation means:  
means the use of land for providing short or medium-term accommodation, for persons away from their normal place of residence, on a commercial basis.
- 3.3 For the *Sullivans Cove Planning Scheme 1997* to which this planning directive applies must have the effect that:
- (a) Bed and Breakfast Establishment and Visitor Accommodation uses in a dwelling are exempt from requiring a planning permit, if:
- (i) the dwelling is used by the owner or occupier as their main place of residence, and only let while the owner or occupier is on vacation or temporarily absent; or
  - (ii) the dwelling is used by the owner or occupier as their main place of residence, and visitors are accommodated in not more than 4 bedrooms.
- (b) the definition for Bed and Breakfast Establishment is:  
A Dwelling used, by a resident of the dwelling for permanent accommodation, to provide accommodation for persons away from their normal place of residence, on a commercial basis.
- (c) the definition for Visitor Accommodation is:  
Means the use of habitable buildings and spaces for short term occupancy by people who are visitors to the Planning Area, on a commercial basis, including Residential Hotel, Holiday Unit and Motel.
- (d) Unless 3.3(a) applies, Bed and Breakfast Establishment use and Visitor Accommodation use are 'Permitted' within Activity Area 1.0 Inner City Residential (Wapping), subject to the following:

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<sup>2</sup> *Strata Titles Act 1998* defines 'lot' as:

*'lot, in respect of a site, means a part of the site –*  
*(a) allocated for separate occupation by the owner of the lot or a person deriving rights of occupation from the owner; or*  
*(b) consisting of land that, by virtue of a certificate under section (A of the Meander Dam Project Act 2003, is to be treated as a lot'*

<sup>3</sup> *Strata Titles Act 1998* defines 'strata scheme' as:

*'strata scheme means the complex of lots and common property (together with the system of administration and management) created on the registered strata plan'*

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Exemption and Standards for Visitor Accommodation in Planning Schemes

- (i) guests are accommodated in existing habitable buildings; and
  - (ii) the use has a floor area of not more than 200m<sup>2</sup> per lot
- Otherwise 'Discretionary'.

1 Collins St  
4 existing  
1 proposed  
at the  
moment,  
⇒ 7200m<sup>2</sup>  
New visitor  
accommodation  
is a discretionary  
application.

- (e) Unless 3.3(a) applies, Bed and Breakfast Establishment and Visitor Accommodation that does not comply with the provisions in 3.3(d) is 'Discretionary' in Activity Area 1.0 Inner City Residential (Wapping) subject to the following conditions:

Bed and Breakfast Establishment and Visitor Accommodation must:

- (i) not cause an unreasonable loss of privacy to adjoining properties;
  - (ii) not likely to cause an unreasonable increase in noise;
  - (iii) be of a scale that respects the character and use of the area;
  - (iv) not adversely impact the safety and efficiency of the local road network;
  - (v) not unreasonably disadvantage owners and users of rights of way;
  - (vi) not be located on the same site as a dwelling providing long term residential accommodation, unless:
    - a. it has a separate ground level pedestrian access to a road; or
    - b. there is an existing mix of uses on the site;
 and the impact on the amenity of the long term residents within the site is not unreasonable.
- Otherwise 'Prohibited'.

#### 4.0 Application of Standards and planning requirement

- 4.1 If any provision or requirement in a planning scheme to which this planning directive applies is directly or indirectly inconsistent with the provisions or requirements specified in subclauses 3.1, 3.2 or 3.3, that provision or requirement does not apply to the extent of the inconsistency.
- 4.2 Notwithstanding 4.1, any provision or requirement in the Flinders Planning Scheme 2000 and the Sullivans Cove Planning Scheme 1997 that would normally apply to Visitor Accommodation use or development, remains in force providing it does not cause the substitution for, modification of or an addition to:
  - (i) the definitions for Visitor Accommodation to that stated in 3.2(b) and 3.3(c) and the definition for Bed and Breakfast Establishment to that stated in 3.3(b);
  - (ii) the exemption from requiring a planning permit to that stated in 3.2(a) and 3.3(a) and;
  - (iii) the use status for Visitor Accommodation to that stated in 3.3(d) and 3.3(e), including any applicable conditions, in the use tables of Activity Area.

#### 5.0 Suspension of Provisions

The description of Visitor Accommodation under Table 8.2 - Use Class in Planning Directive No. 1 – The Format and Structure of Planning Schemes is suspended for the period this planning directive is in force.

#### 6.0 Commencement

This planning directive takes effect on 1 August 2018.





