



CITY OF HOBART

AGENDA

City Planning Committee Meeting

Open Portion

Monday, 7 March 2022

at 5:00 pm

Council Chamber, Town Hall

THE MISSION

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

THE VALUES

The Council is:

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

ORDER OF BUSINESS

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. CONFIRMATION OF MINUTES.....	4
3. CONSIDERATION OF SUPPLEMENTARY ITEMS	4
4. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST	5
5. TRANSFER OF AGENDA ITEMS.....	5
6. PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS.....	5
7. COMMITTEE ACTING AS PLANNING AUTHORITY	6
7.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015	7
7.1.1 3/13 Wayne Avenue, Sandy Bay and Common Land Of Parent Title - Change of Use to Visitor Accommodation	7
7.1.2 1/4 Sunvale Avenue, Sandy Bay and Common Land Of Parent Title - Partial Change of Use to Visitor Accommodation	43
8. REPORTS	85
8.1 City Planning - Advertising Report	85
8.2 Delegated Decision Report (Planning)	90
9. RESPONSES TO QUESTIONS WITHOUT NOTICE.....	93
9.1 Hotel Rooms - Short Term Accommodation	94
9.2 3 Greenlands Avenue - Heritage Officer Report.....	96
10. QUESTIONS WITHOUT NOTICE	98
11. CLOSED PORTION OF THE MEETING.....	99

City Planning Committee Meeting (Open Portion) held Monday, 7 March 2022 at 5:00 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*.

The title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant s.61 of the *Local Government Act 1993* (Tas).

COMMITTEE MEMBERS

Deputy Lord Mayor Burnet (Chairman)
Alderman J Briscoe
Councillor W F Harvey
Alderman S Behrakis
Councillor M Dutta
Councillor W Coats

Apologies:

Leave of Absence: Nil.

NON-MEMBERS

Lord Mayor Councillor A M Reynolds
Alderman M Zucco
Alderman Dr P T Sexton
Alderman D C Thomas
Councillor J Fox
Councillor Dr Z Sherlock

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

2. CONFIRMATION OF MINUTES

The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 21 February 2022](#), are submitted for confirming as an accurate record.

3. CONSIDERATION OF SUPPLEMENTARY ITEMS

Ref: Part 2, Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*.

Recommendation

That the Committee resolve to deal with any supplementary items not appearing on the agenda, as reported by the Chief Executive Officer.

4. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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.

5. TRANSFER OF AGENDA ITEMS

Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

A Committee may close a part of a meeting to the public where a matter to be discussed falls within 15(2) of the above regulations.

In the event that the Committee transfer an item to the closed portion, the reasons for doing so should be stated.

Are there any items which should be transferred from this agenda to the closed portion of the agenda, or from the closed to the open portion of the agenda?

6. PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS

In accordance with the requirements of Part 2 Regulation 8(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chief Executive Officer is to arrange the agenda so that the planning authority items are sequential.

In accordance with Part 2 Regulation 8(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Committee by simple majority may change the order of any of the items listed on the agenda, but in the case of planning items they must still be considered sequentially – in other words they still have to be dealt with as a single group on the agenda.

Where deputations are to be received in respect to planning items, past practice has been to move consideration of these items to the beginning of the meeting.

RECOMMENDATION

That in accordance with Regulation 8(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Committee resolve to deal with any items which have deputations by members of the public regarding any planning matter listed on the agenda, to be taken out of sequence in order to deal with deputations at the beginning of the meeting.

7. COMMITTEE ACTING AS PLANNING AUTHORITY

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 Chief Executive Officer 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.

7.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

7.1.1 3/13 WAYNE AVENUE, SANDY BAY AND COMMON LAND OF PARENT TITLE - CHANGE OF USE TO VISITOR ACCOMMODATION PLN-22-46 - FILE REF: F22/19042

Address:	3/13 Wayne Avenue, Sandy Bay and Common Land of Parent Title
Proposal:	Change of Use to Visitor Accommodation
Expiry Date:	22 March 2022
Extension of Time:	Not applicable
Author:	Michael McClenahan

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for a change of use to visitor accommodation, at 3/13 Wayne Avenue, Sandy Bay 7005 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-22-46 - 3 / 13 WAYNE AVENUE, SANDY BAY - 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 as a Condition Endorsement, to the satisfaction of the Council's Director City Life. 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 name and contact phone number of a person who will respond to any complaints regarding behaviour of guests. If the property is sold the Visitor Accommodation Management Plan (VAMP) must be updated with new contact details.

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. The VAMP must be provided to adjacent property owners and occupiers within 14 days of being approved. If the property is sold, the updated VAMP (in accordance with 5. above) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

Reason for condition

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

PLN s1

Onsite car parking must be located within the carport of the dwelling which is approved for the visitor accommodation use.

Reason for condition

To clarify the scope of the permit.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your

development under which you may need to obtain an approval. Visit the Council's [website](#) for further information.

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

CONDITION ENDORSEMENT

If any condition requires that further documents are submitted and approved, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning portal](#). Detailed instructions can be found [here](#). A fee of 2% of the value of the works for new public assets (storm water infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

NOISE REGULATIONS

Click [here](#) for information with respect to noise nuisances in residential areas.

FEES AND CHARGES

Click [here](#) for information on the Council's fees and charges.

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 2711.

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 2711.

You are encouraged to have in place a management plan for the operation of the visitor accommodation. The management plan should include measures to limit, manage and mitigate unreasonable impacts upon the amenity of permanent residents, including addressing issues like noise, waste management, customer behaviour, security, and maximum occupancy. 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-22-46 - 3/13 WAYNE AVENUE SANDY BAY
TAS 7005 - Planning Committee or Delegated
Report ↓ 

Attachment B: PLN-22-46 - 3 13 WAYNE AVENUE SANDY BAY
TAS 7005 & COMMON LAND OF PARENT TITLE -
CPC Agenda Documents ↓ 



City of HOBART

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee
Committee: 21 March 2022
Expiry Date: 22 March 2022
Application No: PLN-22-46
Address: 3 / 13 WAYNE AVENUE , SANDY BAY
COMMON LAND OF PARENT TITLE
Applicant: Jeremy Oakes
10 Kimo Street
Proposal: Change of Use to Visitor Accommodation
Representations: Four
Performance criteria: Interim Planning Directive No. 6

1. Executive Summary

- 1.1 Planning approval is sought for Change of Use to Visitor Accommodation, at 3/13 Wayne Avenue, Sandy Bay.
- 1.2 More specifically the proposal includes:
 - Change of use of entire two bedroom multiple dwelling from Residential to Visitor Accommodation
 - One (1) on-site car parking space will be provided for the use
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Interim Planning Directive No.6 - Visitor Accommodation
- 1.4 Four (4) representations objecting the proposal were received within the statutory advertising period between 11/02/22- 28/02/22.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the City Planning Committee, because four objections to the proposal were received during the statutory advertising period.

2. Site Detail

- 2.1 The subject property is located at 3/13 Wayne Avenue, Sandy Bay and comprises a two storey multiple dwelling in a four dwelling strata complex. The property includes a separate car parking space and outdoor terrace area. The surrounding area is characterised by a combination of single and multiple dwellings as well as assisted living facilities to the immediate west.



Figure 1: Aerial image of the subject and parent site (bordered in blue) and surrounding area.

3. Proposal

- 3.1 Planning approval is sought for a Change of Use to Visitor Accommodation, at 3/13 Wayne Avenue, Sandy Bay.
- 3.2 More specifically the proposal is for:
- Change of use of entire two bedroom multiple dwelling from Residential to Visitor Accommodation
 - One (1) on-site car parking space will be provided for the use



Figure 2: Existing floor plan.

4. Background

4.1 There is no relevant background for this application.

5. Concerns raised by representors

5.1 Four (4) representations objecting the proposal were received within the statutory advertising period between 11/02/22- 28/02/22.

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.

<p>Noise Disturbance</p> <ul style="list-style-type: none"> - The complex is a well-established residential block characterised by a neighbourly atmosphere - Units share a party wall and sound is readily transferred between properties. The peaceful amenity of residents is entirely dependent on mutual respect and compliance with the by-law - It is inevitable that the frequent comings and goings of visitors on the other side of an adjoining wall would create a significant disturbance for neighbouring residents - It would be unreasonable to expect neighbours to tolerate or, alternatively to act as 'enforcers' every time a new arrival breached the by-laws
<p>Privacy</p> <p>- There is a garden area at the back of the building which has been partitioned off so that each unit can enjoy a small private garden space. It is one thing to share such a space with familiar neighbours who recognise and respect each other's privacy. It would be quite another thing to find myself at the mercy of a different group of visitors every week, or indeed every few days, using the garden space for entertaining, smoking, music and so on, oblivious to the disturbance they might be causing on the other side of the partition.</p>
<p>Parking</p> <p>- There is already an issue with some visitors taking the easy option of parking in the common open space, rather than parking on the street or using the less convenient carport. Past experience confirms a high likelihood that some visitors would fail to consider this when parking on the property</p>

Unsuitability

- We read regular news stories about a severe shortage of rental accommodation in Hobart. I have observed growing resentment among some local residents about the proliferation of short-term accommodation and the flow-on impact of this on the availability of rental properties. I understand their frustration when properties previously available for rent are consigned to the Airbnb 'cash cow' to maximise investor income. There is a significant social issue at stake here.

- This particular application is a case in point. The existing tenant expressed shock to me that his home could be converted to visitor accommodation under his feet. I sincerely hope that Council will find a clear argument for putting residential housing before opportunistic profit. Unit 3/13 Wayne Avenue forms part of a small but coherent residential micro-community. Converting it to a tourist service would not only remove yet another rental property from an already tight market; it would also be to the significant detriment of neighbouring residents.

- My reason for objecting to the change is a social one knowing there are over 4000 people wanting long term rental homes in Tasmania and this would be yet another removed from that market

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 General Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is Residential (multiple dwelling). The proposed use is Visitor Accommodation. The existing use is a permitted use in the zone. The proposed use is a permitted use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Interim Planning Directive No. 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 Interim Planning Directive No.6
- Visitor Accommodation - 3.1 (e) P2*
- 6.6 Each performance criterion is assessed below.
- 6.7 Visitor Accommodation - 3.1 (e) P2
- 6.7.1 The acceptable solution at clause 3.1 (e) A2 requires that a Visitor Accommodation use must not be 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 proposal includes a Visitor Accommodation use for a strata lot where other lots within the strata scheme are used for a residential use.
- 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 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 objectives of the visitor accommodation provisions are to ensure that visitor accommodation is compatible with the character and use of the area, that it does not cause an unreasonable loss of residential amenity, and that it does not impact on the safety and efficiency of local roads or

rights of way.

The dwelling that is the subject of the application is located in a strata scheme which contains four multiple dwellings. The other dwellings within the scheme are all used as long term residential accommodation.

Several objections were received during the statutory advertising process which raised concerns that the change of use would have to the amenity of residents through impacts to privacy, noise, and parking on the site.

The subject property includes an outdoor terrace area, which each unit in the complex also has. A slatted partition exists between the outdoor area that belongs to the subject property and the adjoining areas on one side, with vegetation separating the area with the adjoining unit on the other side. One representor has noted that this separation provides for limited privacy and no noise buffer. Representors have also cited the building design with party walls as evidence that noise impacts will also be an issue with short term accommodation guests. Certainly it is possible that occupants of unit staying as guests under a Visitor Accommodation use could see an impact to residential amenity either through loss of privacy or through increased noise. Conversely, there is no guarantee that the behaviour of a permanent long term resident will be acceptable to other occupants in the strata scheme or adjoining properties.

Accounting for the size of the subject property, only two bedrooms, it is unlikely it will be occupied by so many guests that the use would lead to sustained noise or privacy intrusions that would cause an unreasonable loss of amenity and as such the change of use is acceptable.

Representors have also raised concern that the use by short term residents will create issues with the residential function of the strata scheme, citing unfamiliarity with by-laws and parking arrangements. This certainly would represent a likely issue but on assessment would be difficult to classify as one that would lead to an unreasonable loss of residential amenity. Such issues would be addressed through appropriate rules and regulations for guests as part of their stay.

The applicant has not submitted a management plan for the proposed visitor accommodation as part of their application. Typically, any management plan is required to address how certain parameters, including parking, will be managed, and a contact number is ordinarily provided in case of noise and other detrimental effects generated by any visitor.

It is considered that should the proposal be approved, a condition requiring a management plan to be prepared should be placed on the permit. This plan would be to the satisfaction of Council's Director City Planning and would include measures to limit, manage and mitigate unreasonable impacts upon the amenity of residents of the remaining units within the strata scheme, as well as adjoining properties. The issues covered would include noise, occupant behaviour, the number of vehicles allowed to be associated with occupiers and where those vehicles must be parked onsite. Further, the plan would include contact information for 24 hour a day access to the owner/manager of the visitor accommodation unit. This plan would be provided to all owners/occupiers within the remaining unit in the strata scheme, as well as adjoining property owners. With proper implementation, management and adherence, it is considered that the visitor accommodation could operate without causing disruption to residents in the area.

6.7.6 The proposal complies with the performance criterion.

7. Discussion

7.1 Planning approval is sought for Change of Use to Visitor Accommodation, at 3/13 Wayne Avenue, Sandy Bay.

7.2 The application was advertised and received four (4) representations. The representations raised concerns including impacts to noise, privacy and parking in the residential complex. Representors have also raised concern about the continued appropriateness of converting long term residential use to visitor accommodation in the context of a continuing residential shortage in the Hobart area, citing that there is significant social issue at stake.

The issues relating to noise, privacy and parking impacts have all been addressed under the discretionary assessment in Section 6 of this report. Whilst the residential vacancy rate for Hobart remains very low and repeated concerns for this issue are raised by representors to this proposal, and similar change of use applications, the *Interim Planning Directive No.6* allows for no consideration of the long term housing shortages present in the Hobart City Council Local Government Area.

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

7.4 The proposal has not been assessed by other Council officers.

7.5 The proposal is recommended for approval.

8. Conclusion

8.1 The proposed Change of Use to Visitor Accommodation, at 3/13 Wayne Avenue, Sandy Bay 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 City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for a Change of Use to Visitor Accommodation, at 3/13 Wayne Avenue, Sandy Bay 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-22-46 - 3 / 13 WAYNE AVENUE, SANDY BAY - 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 as a Condition Endorsement, to the satisfaction of the Council's Director City Life. 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 name and contact phone number of a person who will respond to any complaints regarding behavior of guests. If the property is sold the Visitor Accommodation Management Plan (VAMP) must be updated with new contact details.**

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. The VAMP must be provided to adjacent property owners and occupiers within 14 days of being approved. If the property is sold, the updated VAMP (in accordance with 5. above) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

Reason for condition

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

PLN s1

Onsite Car parking must be located within the carport of the dwelling which is approved for the Visitor Accommodation Use

Reason for condition

To clarify the scope of the permit.

ADVICE

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

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

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A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

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Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

NOISE REGULATIONS

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FEES AND CHARGES

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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.

You are encouraged to have in place a management plan for the operation of the visitor accommodation. The management plan should include measures to limit, manage and mitigate unreasonable impacts upon the amenity of permanent residents, including addressing issues like noise, waste management, customer behaviour, security, and maximum occupancy.

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)

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.



(Karen Abey)

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: 1 March 2022

Attachment(s):

Attachment B - CPC Agenda Documents

Planning: #249806

Property

3/13 WAYNE AVENUE SANDY BAY TAS 7005

People

Applicant *

Jeremy Oakes
10 Kimo Street
NORTH BALGOWLAH NSW 2093
0435868912
jeremyoa@gmail.com

Owner *

Jeremy Oakes
10 Kimo Street
NORTH BALGOWLAH NSW 2093
0435868912
jeremyoa@gmail.com

Owner *

Joanne Oakes
10 Kimo Street
NORTH BALGOWLAH NSW 2093
0439700076
jojo.oakes@gmail.com

Entered By

JEREMY WILLIAM OAKES
0435 868 912
jeremyoa@gmail.com

Use

Visitor accomodation

Details

Have you obtained pre application advice?

No

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)? *

Current use is residential - two bedrooms and one bathroom. There is one off street carparking space.

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

Request to obtain planning permit for use the property as short term / Airbnb accomodation - for unit 3/13 Wayne Avenue Sandy Bay 9005

Estimated cost of development *

0.00

Existing floor area (m2)

Proposed floor area (m2)

Site area (m2)

Carparking on Site

Total parking spaces

1

Existing parking spaces

1

N/A

Other (no selection chosen)

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?

No

Documents

Required Documents

Title (Folio text and Plan and FolioPlan-59365-3.pdf
Schedule of Easements) *

Plans (proposed, existing) * Unit 3 13 Wayne Ave Sandy Bay.pdf

Building self assessment Form permitted visitor accommodation Planning Permit Application.pdf

Office Use Only [insert council branding and contact details] Application no. Date received: Fee: Paid:

Guidance Information

Visitor Accommodation Use in Existing Buildings - Standard Application Package

The Standard Application Package has been approved by the Minister for Planning and Local Government to provide a simple pathway for seeking approval for the use of existing homes or buildings for Visitor Accommodation as prescribed below.

The Standard Application Package comprises an Application for Planning Permit and a Building Self-assessment Form.

Completed forms must be lodged with the relevant planning/permit authority.

Application for Planning Permit

The Application for Planning Permit form relates to *Interim Planning Directive No.2 – Exemption and Standards for Visitor Accommodation in Planning Schemes*, issued by the Minister for Planning and Local Government under section 12A(2)(a) of the former provisions of the *Land Use Planning and Approvals Act 1993*, and effective from 1 July 2017.

The Application for Planning Permit form applies to the change of use of an existing building where it is 'Permitted' as set out below:

Planning Scheme	Proposed Use	'Permitted' if:	
Interim planning schemes	Change of use to Visitor Accommodation	Located within the: <ul style="list-style-type: none"> • General Residential Zone • Inner Residential Zone • Low Density Residential Zone • Rural Living Zone • Environmental Living Zone • Village Zone. 	The following applies: <ul style="list-style-type: none"> • guests are accommodated within an existing building; • the building has a gross floor area not more than 300m² set aside for visitor accommodation use; and • all other requirements in the planning scheme are met that are necessary for a 'Permitted' use.
<i>Sullivans Cove Planning Scheme 1996</i>	Change of use to Visitor Accommodation or Bed and Breakfast Establishment	Activity Area 1.0 Inner City Residential (Wapping)	

The Application for Planning Permit form does not apply if:

- the use is exempt from requiring a planning permit, as set out in the table below and in *Interim Planning Directive No.2*:

Office Use Only [insert council branding and contact details] Application no. Date received: Fee: Paid
--

Guidance Information

Visitor Accommodation Use in Existing Buildings - Standard Application Package

The Standard Application Package has been approved by the Minister for Planning and Local Government to provide a simple pathway for seeking approval for the use of existing homes or buildings for Visitor Accommodation as prescribed below.

The Standard Application Package comprises an Application for Planning Permit and a Building Self-assessment Form.

Completed forms must be lodged with the relevant planning/permit authority.

Application for Planning Permit

The Application for Planning Permit form relates to *Interim Planning Directive No 2 – Exemption and Standards for Visitor Accommodation in Planning Schemes*, issued by the Minister for Planning and Local Government under section 12A(2)(a) of the former provisions of the *Land Use Planning and Approvals Act 1993*, and effective from 1 July 2017.

The Application for Planning Permit form applies to the change of use of an existing building where it is 'Permitted' as set out below:

Planning Scheme	Proposed Use	'Permitted' if:	
Interim planning schemes	Change of use to Visitor Accommodation	Located within the: <ul style="list-style-type: none"> • General Residential Zone • Inner Residential Zone • Low Density Residential Zone • Rural Living Zone • Environmental Living Zone • Village Zone. 	The following applies: <ul style="list-style-type: none"> • guests are accommodated within an existing building; • the building has a gross floor area not more than 300m² set aside for visitor accommodation use; and • all other requirements in the planning scheme are met that are necessary for a 'Permitted' use.
<i>Sullivans Cove Planning Scheme 1996</i>	Change of use to Visitor Accommodation or Bed and Breakfast Establishment	Activity Area 1.0 Inner City Residential (Wapping)	

The Application for Planning Permit form does not apply if:

- the use is exempt from requiring a planning permit, as set out in the table below and in Interim Planning Directive No 2:

Planning Scheme	Exempt Qualification	
Interim planning schemes	Visitor Accommodation use 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
Flinders Planning Scheme 2000	Visitor Accommodation use in a dwelling unit is exempt from requiring a planning permit, if...	
Sullivans Cove Planning Scheme 1996	Bed and Breakfast Establishment and Visitor Accommodation uses in a dwelling are exempt from requiring a planning permit, if...	(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.

- the use requires a 'discretionary' planning permit under the planning scheme. For example, a change of use to Visitor Accommodation in an existing building where the visitor accommodation use will occupy more than 300m² gross floor area, or other planning scheme provisions apply requiring discretionary assessment, such as off-street parking, bushfire planning, heritage, or non-residential use standards in zones (e.g. external lighting requirements).

Applicants should use the standard Council planning application form.

- other uses or if any development (not otherwise exempt) are proposed, in addition to the change of use to Visitor Accommodation.

Applicants should use the standard Council planning application form.

Building Self-assessment Form

The Building Self-assessment form is mandated under the *Director's Determination – Short or Medium Term Visitor Accommodation*, issued by the Director of Building Control under section 20(1)(e) of the *Building Act 2016*, and effective from 1 July 2017.

This Determination applies only to existing dwellings or residential premises where a fee is being charged for the use of short or medium term visitor accommodation.

The Building Self-assessment form must be completed in the following situations where the property is used or intended to be used as visitor accommodation:

- Owner occupiers of dwellings or residential premises of more than four bookable rooms, or
- investment properties or shacks less than 300m² (not occupied by the owner).

The Building Self-assessment form requires the owner or occupier to declare that the property meets the minimum building standards with respect to an occupancy permit, plumbing, and essential building services.

The Determination and the Building Self-assessment Form apply, irrespective of the planning requirements. The planning and building requirements are mutually exclusive.

**APPLICATION FOR PLANNING PERMIT
CHANGE OF USE TO VISITOR ACCOMMODATION**

Section 58 of Land Use Planning and Approvals Act 1993

To: Planning Authority

The Proposal:

(Must tick one)



Interim Planning Schemes:

Change of use to Visitor Accommodation, where guests are accommodated in existing buildings and the use has a gross floor area of not more than 300m²; and the land is within one of the following zones:

- General Residential;
- Inner Residential;
- Low Density Residential;
- Rural Living;
- Environmental Living
- Village.



Sullivans Cove Planning Scheme 1997:

Change of use to Bed and Breakfast Establishment or Visitor Accommodation, where guests are accommodated in existing buildings and the use has a floor area of not more than 300m², and the land is within the Activity Area 1.0 Inner City Residential (Wapping).

Description:

Brief description of the proposed change of use, including whether the whole or part of the building(s) are to be used:

Request to obtain a Planning Permit to allow 3/13 Wayne Avenue, Sandy Bay to operate as AirBnB accommodation. This applies only to this unit which is one of four units in the complex.

Applicant: Who is making the application?

Applicant Name:

Business / Company Name:

Postal Address:

Phone No.

Email address:

The Land: Detail address and title particulars of the land for the proposed change of use

Street Address: 3/13 Wayne Avenue
Sandy Bay 7005

Certificate of Title Reference No. 59365/3

Describe the way the land is used now:
Currently rented for residential accommodation.

The Owner: Owner's name and address, if land is not in applicant's ownership
(If more than one owner, all names and addresses must be provided)

Owner Name: Jeremy Oakes and Joanne Oakes

Business / Company Name:

Postal Address: 10 Kimo Street North Balgowlah 2093

Phone No:

Email address: jeremy.oakes@acorn-projects.com.au

The Applicant: Is the applicant the owner of the land?

(Must tick one)

Yes - please complete Section A below.

No - please complete Section B below, and if relevant Sections C and D.

Section A: Owner's Verification

I/we am/are the owner(s) of the land.

Owner(s): Jeremy and Joanne Oakes
Signed: [Signature] Date: 31/1/22

Section B: Applicant's Verification

I/we, the applicant declare that the owner /each of the owners of the land have been notified of the intention to make this application.

Applicant: Jeremy and Joanne Oakes
Signed: [Signature] Date: 31/1/22

Section C: If the application involves land owned or administered by a council

The [] consents to the making of this permit application.

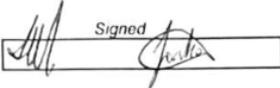
General Manager: [] Signed: [] Date: []

Section D: If the application involves land owned or administered by the Crown

The application must be signed by the Minister or relevant delegate responsible for the land and accompanied with written permission.

Declaration (to be completed for all applications)

I declare that the information I have given in this permit application to be true and correct to the best of my knowledge.

Applicant:	<i>Name [print]</i> Jeremy and Joanne Oakes	<i>Signed</i> 	<i>Date</i> 31/1/22
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Personal Information Protection Statement

As required under the *Personal Information Protection Act 2004*

1. Personal information is managed in accordance with the *Personal Information Protection Act 2004* and may be accessed by the individual to whom it relates, on request to the relevant planning authority.
2. Information can be used for other purposes permitted by the Local Government Act 1993 and regulations made by or under that Act, and, if necessary, may be disclosed to other public sector bodies, agents or contractors of the relevant planning authority.

Planning Application Checklist

The Planning Authority requires the following to assess this Planning Application, with all documentation provided as required by the planning authority:

- (a) Completed Planning Application Form - all relevant sections filled in and signed by land owner (if required) and applicant.
- (b) A copy of the current certificate of title for all land to which the permit sought is to relate (available from Service Tasmania or from www.thelist.tas.gov.au).
- (c) Either:
 - (i) a basic floor plan of the existing building(s) to scale, including identification of the gross floor area for the proposed change of use to visitor accommodation, or
 - (ii) a signed declaration by the applicant confirming the area of the existing building(s) for the proposed change of use to visitor accommodation has a gross floor area¹ of not more than 300m²
- (d) Payment of the prescribed fee (up to \$250.00).

Failure to provide the required information may result in your application not being able to be accepted or processed.

¹ Or floor area in the case of the Sullivans Cove Planning Scheme 1997.

BUILDING SELF-ASSESSMENT FORM

Director's Determination – Short or Medium Term Visitor Accommodation

Section 20(1)(e) of Building Act 2016

This Building Self-assessment form must be completed in the following situations where the property is used or intended to be used for visitor accommodation, and a fee is being charged for such use
➤ Owner occupiers of dwellings or residential premises of more than four bookable rooms, or
➤ investment properties or shacks less than 300m² (not occupied by the owner).
The completed form must be lodged with the relevant Permit Authority.

To: Permit Authority
 Address
 Suburb/postcode

Owner / Occupier details:

(Only an owner or occupier may complete this form)

Owner / Occupier: (Delete one not applicable)
Postal Address: Phone No.

Email address:

Address of Property used or intended to be used for Visitor Accommodation:

Street Address:

Certificate of Title Reference No.

Owner / Occupier Declaration:

I/we, as the owner / occupier of the property, declare that the property meets the following minimum building requirements, as set out below:

Owner/Occupier: Name [print]
 Signed Date

Occupancy Permit:

(Must tick one)

The owner or occupier is to declare that –

(a) an occupancy permit has been issued, the building is fit for occupation consistent with that permit, and the maximum number of occupants stated on the permit will not be exceeded,

OR

(b) an occupancy permit was not required (as the building was constructed / altered before 1994).

Plumbing:*(Must tick (a) or (b) and (c) or (d))*

The owner or occupier is to declare that –

(a) the building is connected to a reticulated sewerage system;

OR

(b) the building is connected to an on-site wastewater management system that

- is in good working order and will be maintained to perform to the same standard as it was designed.
 - has a land application distribution area designed, installed and in good serviceable condition,
 - the maximum number of occupants of the premises the system is designed for is not exceeded,
 - there is a maintenance contract in place for the servicing of the system.

(c) the building is connected to a reticulated drinking water supply system;

OR

(d) a private drinking water supply (including from a tank, well, dam, etc.) is provided for the premises that meets Australian Drinking Water Guidelines.

Essential Building Services:*(Must tick one)*

The owner or occupier is to declare that –

(a) regarding Essential Building Services, the building has an approved essential maintenance schedule, and fire safety features are maintained in accordance with Part 7 (regulations 72 to 78) of the *Building Regulations 2016*,

OR

(b) the building is not required to have an approved essential maintenance schedule, but the following fire safety features are installed and maintained in accordance with manufacturer's instructions:

- a smoke alarm with a 10-year non-removable lithium battery, or
 - a hard wired smoke alarm (and are interconnected where there is more than one alarm fitted);
- (a) if any storey of the premises contains a bedroom –
- (i) in every corridor, or hallway, situated in the storey, that is associated with a bedroom; and
 - (ii) if there is no corridor, or hallway, situated in the storey, that is associated with a bedroom, between that part of the premises containing the bedroom and the remainder of the premises, and
- (b) in any other storey of the premises that does not contain a bedroom.
- If multistorey buildings are let for visitor accommodation:
 - i. emergency evacuation listing is provided, and
 - ii. have exists that are clearly marked and mapped for the visitor.

Attention: Mr Tim Barwick, General Manager
Tas Strata and Property Group
Level 2/29 Salamanca Place
Battery Point TAS, 7004

Dear Tim,

Re: 3/13 Wayne Avenue Sandy Bay

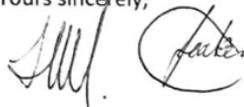
My wife and I are the owners of 3/13 Wayne Avenue Sandy Bay for which Tas Strata and Property Group is the strata manager.

Our property is currently tenanted. We are looking to obtain a planning certificate to use the property for short term accommodation. The main purpose of this is to allow us to be able to stay at the property as we would like to spend more time in Hobart. Having the property on Airbnb allows us to do what whilst at the same time generate some income or us when we are not using it.

We will have a guest policy that complies with body corporate requirements at 13 Wayne Avenue. We will be seeking professionals and families, no pets and will have a no-party policy for our guests.

If you have any comments or concerns, please don't hesitate to contact either Jo or myself.

Yours sincerely,



7/02/22

Jeremy Oakes (0435 868 912)
Joanne Oakes (0439 700 076)
10 Kimo Street
North Balgowlah
NSW 2093



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Conveyancing and Law of Property Act, 1884

STRATUM PLAN

REGISTERED NUMBER

59365

No. 237

Sheet 1 of 4 Sheets

233

City or Town HOBART

Locality SANDY BAY

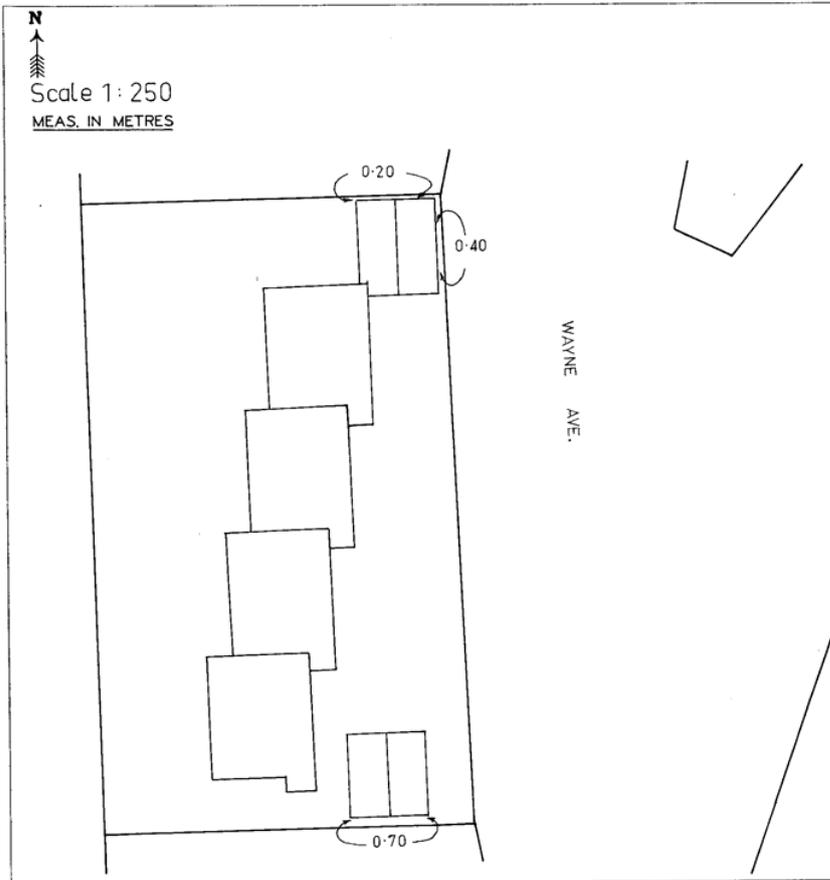
Reference to Title C.T. 2580 - 45

Site comprises the whole portion of Lot 32 on Plan No. 803 in the Diagram

Lands Titles Office
Registry of Deeds

The name of the building is WAYNE VILLAS - HOBART

External surface boundaries of the site and the location of the building in relation thereto to be delineated in this space



REGISTERED this 1st day of April 1974, No. 237

Mitchinson
Recorder of Titles
Registrar of Deeds

This plan is lodged for registration by MESSRS. O. MCK. W. & MILLS



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



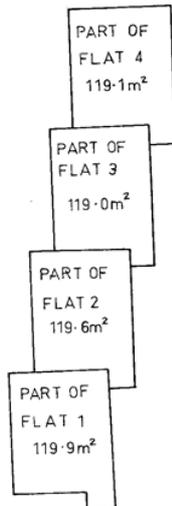
Sheet 2 of 4 Sheets

Town Clerk/Council Clerk



Scale 1: 250

LOWER GROUND FLOOR



BOUNDARIES OF FLATS ARE SHOWN BY HEAVY UNBROKEN LINES

AREAS SHOWN ARE TOTAL AREAS OF EACH FLAT



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

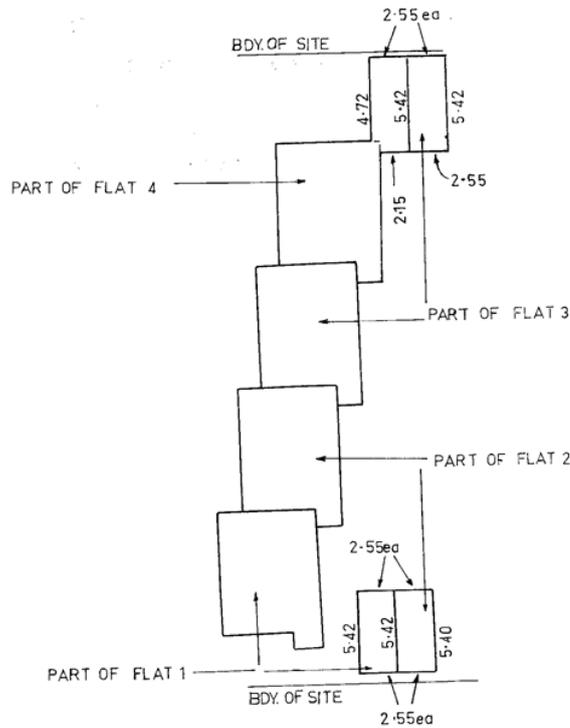


If further sheets are required to illustrate the flats, the sheets should be pinned here. Further sheets must be of paper supplied for the purpose by the Recorder of Titles and bearing his seal, and be numbered consecutively, commencing from sheet 4.

Sheet 3 of 4 Sheets

Town Clerk/Council Clerk

Scale 1:250
GROUND FLOOR



BOUNDARIES OF FLATS ARE SHOWN BY HEAVY UNBROKEN LINES
THE DIMENSIONED PORTIONS OF FLATS ARE OPEN CARPORTS WHICH EXTEND VERTICALLY FROM GROUND LEVEL TO THE UNDERSIDE OF THE ROOF
THE OPEN HORIZONTAL BOUNDARIES ARE SHOWN BY MEASUREMENTS



RESULT OF SEARCH

RECORDER OF TITLES
Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
59365	3
EDITION	DATE OF ISSUE
5	25-Aug-2017

SEARCH DATE : 01-Feb-2022
SEARCH TIME : 12.04 PM

DESCRIPTION OF LAND

City of HOBART
Lot 3 on Strata Plan 59365 (formerly being STR237) and a general unit entitlement operating for all purposes of the Strata Scheme being a 1 undivided 1/4 interest
Derived from Strata Plan 59365
Derivation : Part of 41A-2R-0Ps Gtd to G Cartwright & Anor and Part of 26A-0R-29Ps Gtd to G Butler
Prior CT 3390/32

SCHEDULE 1

M647734 TRANSFER to JEREMY WILLIAM OAKES and JOANNE OAKES
Registered 25-Aug-2017 at noon

SCHEDULE 2

Reservations 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 59365 folio 0
BENEFITING EASEMENT: a right of carriageway over all the Roadways shown on Plan No. 803
139399 FENCING CONDITION AND OTHER CONDITIONS in Transfer
M645283 MORTGAGE to Members Equity Bank Limited Registered 25-Aug-2017 at 12.01 PM

UNREGISTERED 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	FOLIO
59365	0
EDITION	DATE OF ISSUE
3	18-Feb-1999

SEARCH DATE : 01-Feb-2022

SEARCH TIME : 12.04 PM

DESCRIPTION OF LAND

City of HOBART

The Common Property for Strata Scheme 59365 (formerly being STR237)

Derivation : Part of 41A-2R-0Ps Gtd to G Cartwright & Anor and

Part of 26A-0R-29Ps Gtd to G Butler

Prior CT 2580/45

SCHEDULE 1

STRATA CORPORATION NO. 59365, WAYNE VILLAS, HOBART

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

BENEFITING EASEMENT: a right of carriageway over all the

Roadways shown on Plan No. 803

139399 FENCING CONDITION AND OTHER CONDITIONS in Transfer

C614837 ORDER FOR RELIEF by the Recorder of Titles

Registered 22-Jan-2007 at noon

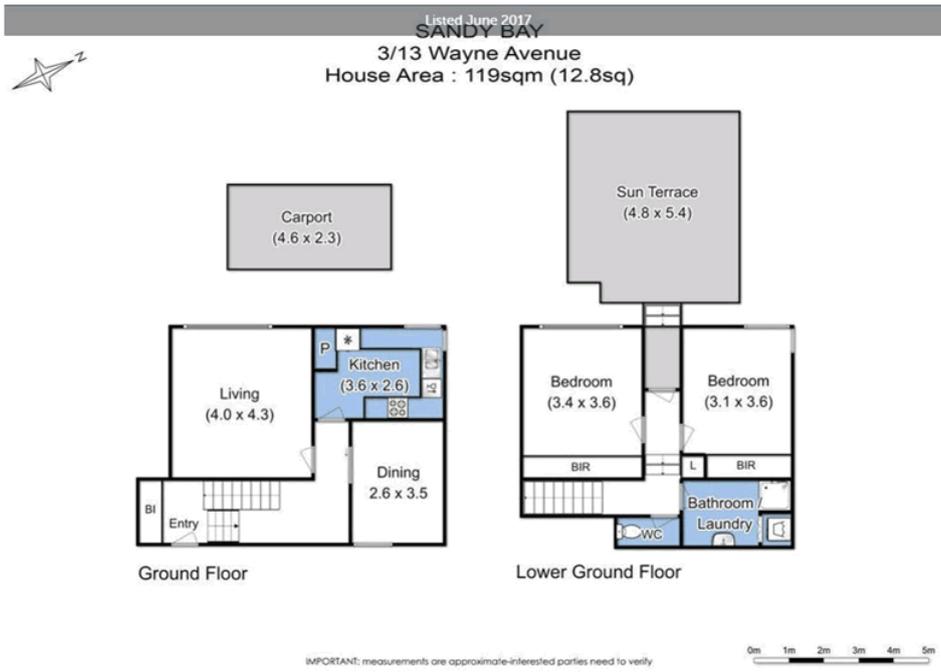
C895139 APPLICATION for registration of exclusive use by-laws

Registered 18-Mar-2009 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

3/13 Wayne Avenue Sandy Bay 9005
New and Existing Floor Plans



**7.1.2 1/4 SUNVALE AVENUE, SANDY BAY AND COMMON LAND OF
PARENT TITLE - PARTIAL CHANGE OF USE TO VISITOR
ACCOMMODATION
PLN-21-782 - FILE REF: F22/19303**

Address:	1/4 Sunvale Avenue, Sandy Bay and Common Land of Parent Title
Proposal:	Partial Change of Use to Visitor Accommodation
Expiry Date:	28 April 2022
Extension of Time:	Not applicable
Author:	Deanne Lang

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial change of use to visitor accommodation at 1/4 Sunvale Avenue, Sandy Bay 7005 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-21-782 - 1/4 SUNVALE AVENUE SANDY BAY TAS 7005 - 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 as a Condition Endorsement, to the satisfaction of the Council's Director City Life. 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 name and contact phone number of a person who will respond to any complaints regarding behaviour of guests. If the property is sold the Visitor Accommodation Management Plan (VAMP) must be updated with new contact details.

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. The VAMP must be provided to adjacent property owners and occupiers within 14 days of being approved. If the property is sold, the updated VAMP (in accordance with 5. above) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

Reason for condition

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

PLN s1

Onsite car parking must be located within the carport of the dwelling which is approved for the Visitor Accommodation Use.

Reason for condition

To clarify the scope of the permit.

ADVICE

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

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

CONDITION ENDORSEMENT

If any condition requires that further documents are submitted and approved, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning portal](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application. Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

RIGHT OF WAY

The private right of way must not be reduced, restricted or impeded in any way, and all beneficiaries must have complete and unrestricted access at all times.

You should inform yourself as to your rights and responsibilities in respect to the private right of way particularly reducing, restricting or impeding the right during and after construction.

NOISE REGULATIONS

Click [here](#) for information with respect to noise nuisances in residential areas.

FEES AND CHARGES

Click [here](#) for information on the Council's fees and charges.

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 2711.

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 2711.

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-21-782 - 1/4 SUNVALE AVENUE SANDY BAY
TAS 7005 - Planning Committee or Delegated
Report ↓ 

Attachment B: PLN-21-782 - 1/4 SUNVALE AVENUE SANDY BAY
TAS 7005 & COMMON LAND OF PARENT TITLE -
CPC Agenda Documents ↓ 

City of **HOBART****APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee
Council: 7 March 2022
Expiry Date: 28 April 2022
Application No: PLN-21-782
Address: 1 / 4 SUNVALE AVENUE , SANDY BAY
COMMON LAND OF PARENT TITLE
Applicant: FAN ZHANG
43 DYNMYRNE ROAD
Proposal: Partial Change of Use to Visitor Accommodation
Representations: Sixteen (16)
Performance criteria: Planning Directive No. 6 - Exemption and Standards for Visitor
Accommodation in Planning Schemes - P2

1. Executive Summary

- 1.1 Planning approval is sought for a Partial Change of Use to Visitor Accommodation at 1/4 Sunvale Avenue Sandy Bay.
- 1.2 More specifically the proposal includes:
- change of use of one of two units within the strata lot scheme to visitor accommodation;
 - the remaining unit is used as long term residential accommodation;
 - the applicant has advised that they will stay overnight in the lower level of the unit on occasion;
 - no works are required to convert the unit to visitor accommodation;
 - no signage is proposed; and
 - one onsite car parking space is proposed within the existing carport which is located within the unit's strata title.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
- 1.3.1 Planning Directive No. 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes - P2

- 1.4 Sixteen (16) representations objecting to the proposal were received within the statutory advertising period between 8-23 February 2022.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council, because more than five representations were received by Council during the statutory advertising period.

2. Site Detail

- 2.1 The subject site is located in an established residential area. Council's reserve is located approximately fifty (50) metres north of the subject site. Council records confirm that there are a number of properties within the immediate area which have been approved as visitor accommodation.



Fig. 1 - the subject site is bordered in blue



Fig. 2 - unit 1/4 Sunvale Avenue (note: unit 2 is partially visible in the background)

3. Proposal

- 3.1 Planning approval is sought for Partial Change of Use to Visitor Accommodation at 1/4 Sunvale Avenue Sandy Bay.

3.2 More specifically the proposal is for:

- change of use of one of two units within the strata lot scheme to visitor accommodation;
- the remaining unit is used as long term residential accommodation;
- the applicant has advised that they will stay overnight in the lower level of the unit on occasion;
- no works are required to convert the unit to visitor accommodation;
- no signage is proposed; and
- one onsite car parking space is proposed within the existing carport which is located within the unit's strata title.

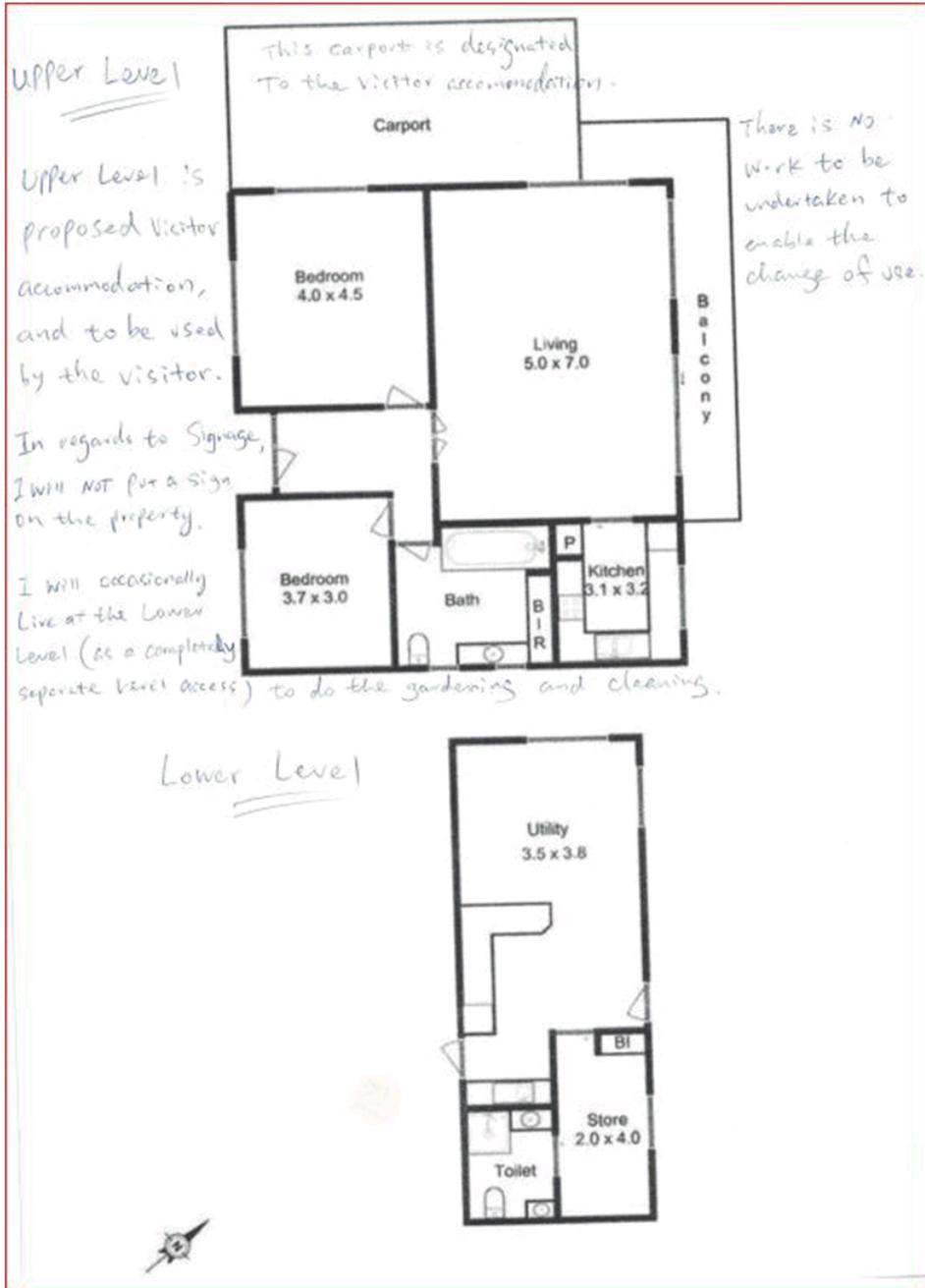


Fig. 3 - Proposed Floor Plan



Fig. 4 - photo of the existing carport dedicated to unit 1. The driveway is located on common land and leads to unit 2 which has its own dedicated carport

4. Background

- 4.1 Enforcement was undertaken on the property under ENF-19-179 as the lower ground floor of unit 1 had been converted to a second dwelling, without the necessary approvals.
- 4.2 The applicant submitted a Pre-Application Enquiry (PAE - 19-329) on the 9 October 2019 to change the lower ground floor to a habitable space, rather than a second dwelling. Based on Council's Development Appraisal Officer advice dated 12 September 2019, the floor plan submitted confirmed that the laundry, stove and separate electricity meter would be removed. Based on the plans (below) Council's Development Appraisal Officer deemed that the application was Exempt - No Planning Permit Required on the 9 October 2019.
- 4.3 A Certificate of Substantial Compliance for the works was issued on 3 June 2021 and a A Certificate of Completion - Building Work was issued by Council on 20 July 2021.

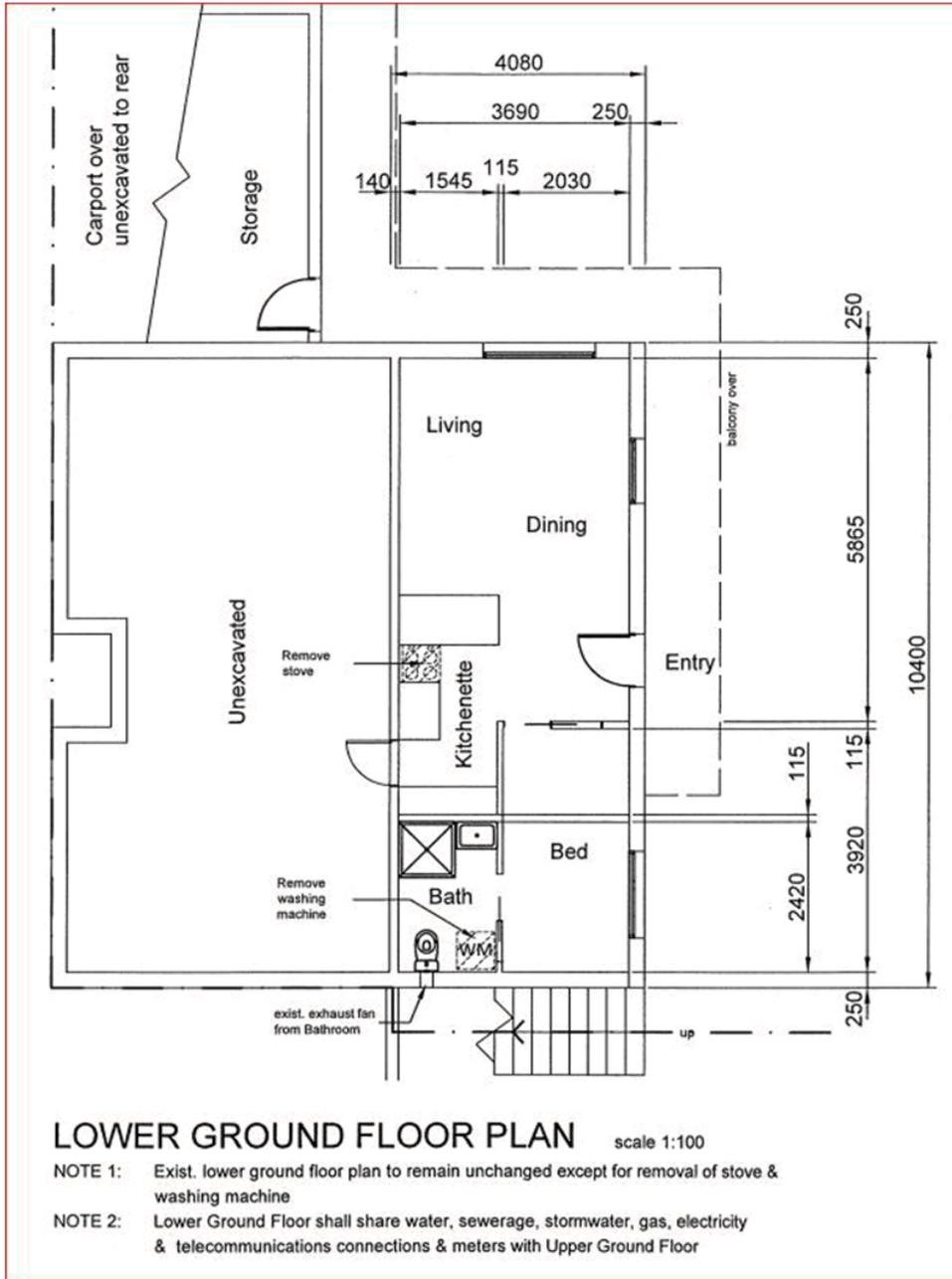


Fig. 5 - existing lower ground floor plan approved under PAE-19-329 on 9 October 2019.

5. Concerns raised by representors

- 5.1 Sixteen (16) representations objecting to the proposal were received within the statutory advertising period between 8-23 February 2022.
- 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.

<u>Use of site as a visitor accommodation</u>
<p>I object to the change of property use to be used as Visitor Accommodation because this area is and has been a long term residential area.</p> <p>There are already too many short stay visitor accommodation places in our area (AirBnB or similar) which cause significant issues to long term residents.</p> <p>There is a potential for misunderstanding due to the transient tenant population over where to park cars. The common area between units 1 and 2/4 Sunvale Avenue is of critical importance to unit 2 in order to facilitate turning of vehicles and access to external stairs.</p> <p>Potential increase in the loss of privacy for the other unit on the site, with the balcony at no. 1 being an ongoing "novelty" for transient tenants.</p> <p>The proposal does not accommodate additional car parking for the owner to service the property, putting additional vehicles on the street. The street is already unsafe due to parked vehicles and there is no room for frequent additional parking by the owner and associated service vehicles.</p> <p>The property at 1/4 Sunvale Avenue changed owners some seven months ago. Since then the new owner has done inside renovations, however the gardens have been wholly affected, as shown in the attached photo of the noxious weeds (multiple thistle plants) growing over the footpath on today's date. The thistles present a safety hazard to children and pets from dangerous thorns and prickles. There is no sign that the owner is paying any attention to this hazard as the thistles have grown to almost two metres in height.</p>
<p><u>Onsite/On street Car Parking</u></p>

Sunvale Avenue is a small no through road with limited parking. Current residents and visitors already experience problems with the accessibility of parking.

As there are limited public transport options available to visitors, it is more than likely that more cars will appear on the street and park in an already congested area. This has been exacerbated by Airbnb and rental properties (service vehicles) blocking access and vision to steep drives. Our drive, in particular, is very dangerous to exit and even more so when cars are parked close on either side is now a usual occurrence.

Gaining access through Edith Avenue continues to be extremely dangerous because of the increased number of cars parked on both sides of the street including a blind corner, several bends and speeding cars. Reducing the number of spaces to safely pull over to avoid oncoming cars (particularly speeding vehicles). One often has to stop one's car because there is insufficient room on the road for the two cars driving up and down. It has become dangerous and it is hard to avoid parked cars and the possibility of accidents.

The inability to see cars approaching from the opposite direction when driving up Edith Avenue towards the bends is also exacerbated by the tall overgrown plants on the left side which completely obscure views of oncoming vehicles.

To approve an application which would result in more traffic would make an already existing dangerous situation worse.

The proposal will result in additional traffic and parking issues in our street which is already at capacity due to the high number of share houses and apartments in Edith Avenue. These rental properties often have multiple cars.

There have been three recent auto collisions on Sunvale Avenue that we are aware of, due to the congestion and density of occupants in small units on this street.

The change to visitor accommodation will also adversely impact the safety and efficiency of traffic flow down Edith Avenue, which is the main thoroughfare between our area and the rest of Hobart. - The *Hobart Interim Planning Scheme 2015*, part D 10.3.2(d) - Use Standards for Visitor Accommodation..

<u>Background of Works and the Use of the Lower Level of the Unit</u>
<p>The previous elderly owner of 1/4 Sunvale Ave rented out the top floor and lived in the lower level for many years until one tenant caused a problem with water damage.</p> <p>Hobart Council became involved and subsequently deemed the lower level "unliveable or uninhabitable, not for residential use".</p> <p>The hand written notes contained in the application are contradictory. The owner lives nearby, yet he states in his application that he will occasionally live in the lower level (as a completely separate access) to do the gardening and cleaning. We fail to understand how the new owner is able to 'occasionally live at the lower level' to do gardening and cleaning, given your previous ruling and request that this be investigated.</p> <p>The property has been vacant for 7 months. Since taking possession of the property the gardens have been let go and are now in a terrible state, brambles and weeds flowing over the footpath.</p> <p>In reference to the hand written notes on the plan submitted with the application, it is hard to believe that the ground floor unit at 1/4 Sunvale Avenue won't also be used for short term visitor accommodation, as the small low maintenance garden won't warrant keeping it vacant. This could lead to more and potentially different parking concerns.</p> <p>This is a single dwelling NOT two flats. The previous owner was not permitted to let this building as two separate flats/dwellings.</p> <p>The lower level is fitted out as a flat with one bedroom, a bathroom, kitchen, living area and a separate entrance. What guarantee is in place to prevent this property from being let as two flats?</p> <p>The property has been vacant for 7 months, what gardening? Since taking possession of the property the gardens have been let go and are now in a terrible state, brambles and weeds flowing over the footpath.</p>
<u>Comments related to the number of visitor accommodation units in the surrounding area and there impact on the immediate</u>

neighbourhood.

There are already a number of rented premises and visitor accommodation properties in Sunvale Avenue and Edith Avenue and this is changing the nature of the area and contributing to the "loss of community" we have been experiencing recently.

The community is already stressed by short term visitor accommodation on Sunvale Avenue and Edith Avenue. We cannot support continued loss of amenity and conflict from the proposed use and strongly recommend that the proposal is rejected as incompatible with the current state of the street and neighborhood. As established homeowners we expect the Council to preserve the amenity of our neighborhood already adversely impacted by visitor accommodation and overcrowded rental properties.

The area is primarily residential, not close to significant tourist attractions or within walking distance of shops, cafes and restaurants. The transient nature of guests and the times properties are vacant or unoccupied undermines the ambience and the security for long term residents. A sense of neighbourhood is being lost and eroded by the expansion of short term stay in residential areas and this is becoming increasingly noticeable to long term residents of Sunvale Avenue.

There are already a large number of short and long term rental properties in the area with less accountability in terms of noise from short term and temporary residents, overflowing garbage bins and multiple cars parked in the road. For example, a house in Ada Avenue (just around the corner from us) is used as a party house on weekends on regular occasions (just about every weekend in spring and summer). This is a residential zone not a holiday resort.

Nuisance noise complaints regularly occur from existing visitor accommodation within 8 Sunvale Avenue. Nuisance noise levels would be reasonably expected in the neighborhood from the proposed visitor accommodation. Owners have not been able to control nuisance noise late at night from visitor accommodation, and this has been a source of conflict with homeowners on the street. Again, experience shows that a disinterested investor would not have the slightest concern about noise in the middle of the night.

We are owners and residents of a house on Sunvale Avenue. There are multiple airbnbs on Sunvale Avenue already. We have concerns

for children who live in the street and the amount of traffic and disturbance airbnbs bring to the street.

There needs to be thinking and planning as to what is a reasonable balance which is fair to resident owners, as well as absentee landlords. It is my opinion that this balance is in danger of favouring landlords and rented premises.

Some neighbours have left, citing this change as being one of the reasons. I know I can offer you no concrete evidence of this, but on my daily walks over many years I have got to know many of my fellow neighbours and have heard their views and disquiet as our streets change dramatically. One cannot and should not expect more than a fair consideration of each party's diverse views and that rented accommodation is needed in our city; however, the balance in our streets is becoming more and more problematic

This change away from owner occupiers has the following repercussions: the sense of community is diminishing as there are changes of tenants, who in the main do not interact with owner residents, (though I always try to make people feel welcome and included!). Consequently, a number of long-term residents have expressed unease and disappointment in an area of which we are proud.

Another repercussion of absent landlords: often untended premises looking shabby and gardens which are unkept and not contributing to an aesthetic sense and to our environment. I have had to ring Tas Water four times in the last three months because sewage and waste water spillages were unattended by the tenants and landlord; the spillages were towards the side of the house facing the valley an area not looked after by them at it should be, but very visible to me walking down the street.

This proposed change will negatively impact environmental outcomes and residential amenity: *Hobart Interim Planning Scheme 2015*, parts A 3.0.1(a) Infrastructure: Regional Objectives & D 10.3.2(a) Use Standards for Visitor Accommodation. There are already a number of AirBnB and other shared accommodation properties on Edith Avenue and nearby, and these properties have produced a large amount of waste and discarded plastic which often overflows from bins into the local reserve and the streets. More visitor accommodation will mean further environmental damage to the area unless standards are

Improved
<u>Impact on the increase of visitor accommodation in the Hobart City Council municipal area</u>
<p>I object on moral grounds to more Visitor Accommodation being introduced to the area because we are experiencing a housing and rental availability crisis for people that live and work here. Changing the use to Visitor Accommodation would only add to this crisis.</p> <p>This change will hinder and not help the supply of affordable housing for renters in this current housing crisis in Hobart: <i>Hobart Interim Planning Scheme 2015</i>, part A 3.0.2(h). This crisis is serious and I know of several friends who are currently couch-surfing and unable to find stable accommodation. Until this crisis is addressed through proper legislative action (an empty house tax for example), owners of several properties should not be given full liberty to seek more money through leasing their property on short-term, often destructive visitor accommodation arrangements.</p> <p>Currently the Hobart City Council is writing to the Federal Minister requesting that the people held in detention in the Park Hotel in Melbourne be resettled in Hobart. If this is to take place (I have no objections to this resettlement) considering our current housing crisis, another Airbnb in Hobart will just put more pressure on our crisis.</p> <p>Given the Council's recent view on Short - Stay changes (published 16/8/21) we believe this application should be refused.</p> <p>I refer to the ABC on 24/8/21 reporting that the HCC has acknowledged the impact of whole-house Airbnbs on our Hobart rental availability and has passed a motion to address the situation, "prohibiting more entire homes being converted into short-stay accommodation". Our city is reported as having one of the largest proportions of Airbnbs in capital cities in the world. As part of my objection, I request you, the HCC, to honour this commitment.</p> <p>The approval of this proposal would be in direct violation of the Hobart City Council's commitment to limit the increase in number and change from residential accommodation to tourist / visitor accommodation.</p> <p>Additional visitor accommodation is unnecessary in Hobart and continues to exacerbate the lack of suitable long term housing for the</p>

community. Visitor accommodation is already well served by the plethora of existing AirBNBs, hotels and resorts in Hobart.

We strongly object to yet another visitor accommodation on our street and in our neighborhood. Hobart is experiencing an acute shortage of long term residential rental properties and approvals of further short term rental options will only contribute to this further.

Given the well publicised shortage in long term rental availability, we feel this property and the local area would be better served by the owner pursuing long term rental options.

Visitor accommodation disrupts the social and community fabric of neighbourhoods - so much neighbourly goodwill and support is being lost due to the transient nature of short term tourist accommodation.

As a long-term resident I believe that the local area and the city as a whole would benefit a lot more from encouraging responsible, long-term tenants who need accommodation a lot more and will care for the area and their neighbours knowing that this isn't just a temporary arrangement.

We also expect the Council to constructively address the acute long term housing shortage in the city by rejecting yet another unnecessary visitor accommodation. I urge Council to stand by its commitment to restrict short-term accommodation and refuse the application.

Council should encourage owners of investment or other surplus properties to help address the rental crisis in Hobart by offering their properties to responsible long term tenants, rather than trying to cash in on the short term rental market.

General Comments

A cursory inspection of the rental properties on Sunvale Avenue and adjacent Edith Avenue demonstrates that these properties are in a state of poor repair, overcrowded, littered with rubbish and infested with noxious weeds along the footpath. Witness the many properties with unkempt yards, deteriorating exterior, oil running off driveways, hoarding of rubbish, damaged curtains visible in windows, considerable litter, etc. The amenity of Sunvale Avenue for owners of high quality, well maintained properties has already been severely diminished. Continuing to approve more unnecessary and unwanted visitor accommodation will further deteriorate the amenity of the community.

Please give some consideration to permanent residents who already have to deal with unacceptable and dangerous situations disrupting enjoyment of their homes. Any further approvals would create even more safety concerns for residents. Accordingly we strongly object to this application.

It speaks volumes that so many residents have recently moved out and sold their homes because of current situations. This has caused additional problems to the few left who do not wish to move or are not in a position to do so.



Fig. 6 - availability of on street parking between the subject site and the intersection of Sunvale and Edith Avenue as photographed at 7pm February 2022 by the Development Appraisal Planner (note: the driveway to the subject site is below the white lamp post).



Fig. 7- on street parking within the lower section of Sunvale Avenue (the subject site is located above the corner and is not visible in the photo) photo taken at 7pm February 2022 by the Development Appraisal Planner.

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 General Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is multiple dwelling. The proposed use is visitor accommodation. The existing use is a permitted use in the zone. The proposed use is a discretionary use in the zone.
- 6.4 The proposal has been assessed against:

- 6.4.1 Planning Directive No. 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes
- 6.4.2 E6.0 Parking and Access Code - Table E6.6.1 - Number of Onsite Car Parking Spaces

- 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 - P2

- 6.6 Each performance criterion is assessed below.

- 6.7 Planning Directive No. 6 - P2
 - 6.7.1 There is no acceptable solution for visitor accommodation upon a lot within a strata scheme where another lot within that strata scheme is used for a residential use.
 - 6.7.2 The proposal includes the change of use of one unit within a strata scheme to visitor accommodation. The other unit is used for long term residential use.
 - 6.7.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
 - 6.7.4 The performance criterion at clause PD6: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 non-residential uses; and*
 - (f) any impact on shared access and common property.*
 - 6.7.5 The objectives of the visitor accommodation provisions are to ensure that

visitor accommodation is compatible with the character and use of the area, that it does not cause an unreasonable loss of residential amenity, and that it does not impact on the safety and efficiency of local roads or rights of way.

The dwelling that is the subject of the application is located in a strata scheme which contains two multiple dwellings. The other dwelling within the scheme is used as long term residential accommodation.

The subject unit is freestanding and the first unit within the strata scheme (closest to Sunvale Avenue), with its own carport. As a result, the residential function and privacy of the residents in the remaining unit will not be eroded by visitors walking or driving past their units when the proposed visitor accommodation is occupied. A carport is attached to the visitor accommodation unit and therefore there is no pressure on the safety or efficiency of the local road network. It is possible to exit the site in a forward position, by manoeuvring on the common land.

The two units on the site are staggered, are screened from each other by mature trees and have a separation distance of approximately 4.5m. (see photo 8, below)

It is argued that, with reasonable and considerate use, privacy, noise, accessibility and functionality of the site for residential use will not significantly change with the introduction of visitor accommodation on the site. This is due to the nature of visitor accommodation use being similar to residential use.

In general terms, it could be argued that the change of use from long term residential use to visitor accommodation in any property could result in the reduction of any detrimental impact, including noise to other residents. It is recognised that there is always a possibility that a visitor may from time to time generate noise above the normal acceptable residential levels, however given that the dwelling only contains two bedrooms, it is unlikely to be a venue for large gatherings. Conversely, there is no guarantee that the behaviour of a permanent long term resident will be acceptable to other occupants in the strata scheme or adjoining properties. Based on the above scenario, and that it is unlikely that the subject unit will have a 100% occupancy rate (as opposed to having permanent residents occupying a unit), it is considered that the change of use is acceptable.

The applicant has not submitted nor is required to provide a management plan for the proposed visitor accommodation as part of their application.

Typically, any management plan is required to address how certain parameters, including parking, will be managed, and a contact number is ordinarily provided in case of noise and other detrimental effects generated by any visitor. Typically, a management plan is provided to neighbours on adjoining properties, including those residents within a strata complex.

It is considered that should the proposal be approved, a condition requiring a management plan to be prepared should be placed on the permit. This plan would be to the satisfaction of Council's Director City Life and would include measures to limit, manage and mitigate unreasonable impacts upon the amenity of residents of the remaining units within the strata scheme, as well as adjoining properties. The issues covered would include noise, occupant behaviour, the number of vehicles allowed to be associated with occupiers and where those vehicles must be parked onsite. Further, the plan would include contact information for 24 hour a day access to the owner/manager of the visitor accommodation unit. This plan would be provided to all owners/occupiers within the remaining unit in the strata scheme, as well as adjoining property owners. With proper implementation, management and adherence, it is considered that the visitor accommodation could operate without causing disruption to residents in the area.

- 6.7.6 The proposal complies with the performance criterion.



Fig.8 - units 1 and 2/4 Sunvale Avenue - photo taken by Council's Development Appraisal Planner at 7pm on 28 February 2022.

7. Discussion

- 7.1 Planning approval is sought for Partial Change of Use to Visitor Accommodation at 1/4 Sunvale Avenue, Sandy Bay.
- 7.2 The application was advertised and received sixteen (16) representations. The representations raised a number of concerns including that a further visitor accommodation unit in the area would result in the further erosion of residential amenity and loss of community within the Sunvale/Edith Avenues and Ada Crescent vicinity. There was concern that the guests and service vehicles associated with the proposed visitor accommodation unit would contribute to and increase the current onstreet parking and traffic problems, creating driving hazards and safety concerns. Many representors stated that the introduction and approval of visitor accommodation units, in general, contributes to the housing and rental availability crisis currently being experienced in Hobart.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.

7.4 The proposal has not been assessed by other Council officers.

7.5 The proposal is recommended for approval.

8. Conclusion

8.1 The proposed Partial Change of Use to Visitor Accommodation at 1/4 Sunvale Avenue, Sandy Bay 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 1/4 Sunvale Avenue, Sandy Bay 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-21-782 - 1/4 SUNVALE AVENUE SANDY BAY TAS 7005 - 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 as a Condition Endorsement, to the satisfaction of the Council's Director City Life. 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 name and contact phone number of a person who will respond to any complaints regarding behavior of guests. If the property is sold the VMP must be updated with new contact details.**

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. The VAMP must be provided to adjacent property owners and occupiers within 14 days of being approved. If the property is sold, the updated VMP (in accordance with 5. above) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

Advice: This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

Reason for condition

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

PLN s1

Onsite Car parking must be located within the carport of the dwelling which is approved for the Visitor Accommodation Use.

Reason for condition

To clarify the scope of the permit.

ADVICE

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

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

CONDITION ENDORSEMENT

If any condition requires that further documents are submitted and approved, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning portal](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

RIGHT OF WAY

The private right of way must not be reduced, restricted or impeded in any way, and all beneficiaries must have complete and unrestricted access at all times.

You should inform yourself as to your rights and responsibilities in respect to the private right of way particularly reducing, restricting or impeding the right during and after construction.

NOISE REGULATIONS

Click [here](#) for information with respect to noise nuisances in residential areas.

FEES AND CHARGES

Click [here](#) for information on the Council's fees and charges.

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.



(Deanne Lang)

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.



(Karen Abey)

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: 2 March 2022

Attachment(s):

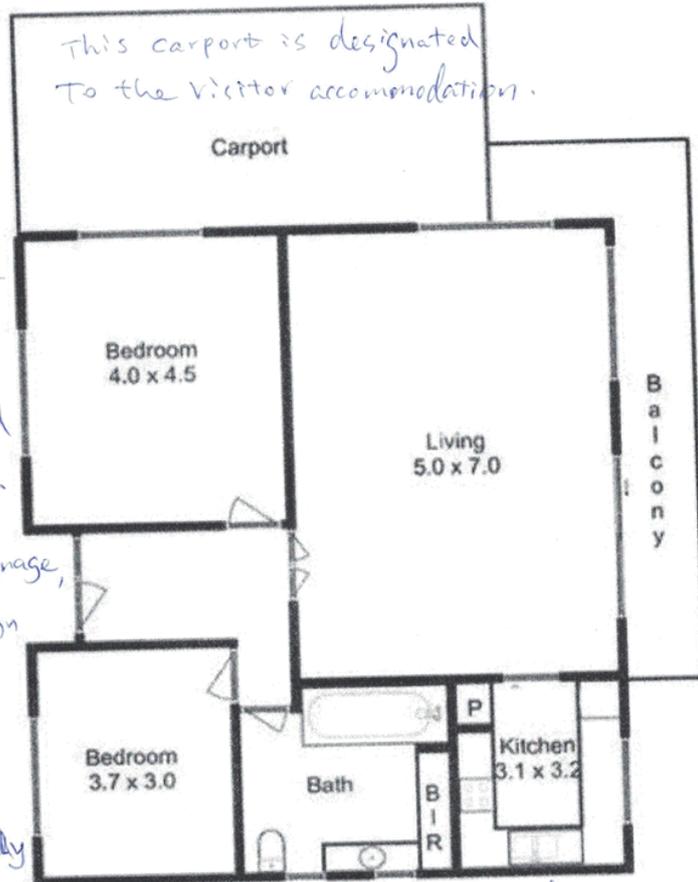
Attachment B - CPC Agenda Documents

Upper Level

Upper Level is proposed visitor accommodation, and to be used by the visitor.

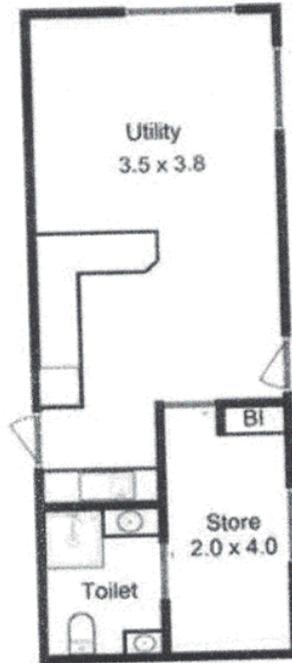
In regards to Signage, I will NOT put a sign on the property.

I will occasionally live at the Lower Level (as a completely separate level access) to do the gardening and cleaning.



There is no work to be undertaken to enable the change of use.

Lower Level



Dear Owner/Neighbour at Unit 2-4 Sunvale Avenue,

I am writing to you to advise that I would like to lodge an AirBnB application for Unit 1-4 Sunvale Avenue with Hobart City Council, as we are on a strata title, I, as the owner of Unit 1, am required to keep you informed. However, if you have any concerns please do not hesitate to let me know.

Regards,
Johnny Zhang

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
57241	1
EDITION	DATE OF ISSUE
7	25-Oct-2021

SEARCH DATE : 20-Jan-2022

SEARCH TIME : 12.18 AM

DESCRIPTION OF LAND

City of HOBART

Lot 1 on Strata Plan 57241 (formerly being STR2144) and a general unit entitlement operating for all purposes of the Strata Scheme being a 1 undivided 1/2 interest

Derived from Strata Plan 57241

Derivation : Part of 87 Acres Gtd. to The Perpetual Trustees, Executors & Agency Co. of Tas. Ltd. and Part of 52A-3R-0Ps Gtd. to George Flexmore

Prior CT 4320/46

SCHEDULE 1

M904742 TRANSFER to FAN ZHANG of one undivided 1/100 share and BEILEI LIN of ninety-nine undivided 1/100 shares as tenants in common Registered 25-Oct-2021 at noon

SCHEDULE 2

Reservations 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 57241 folio 0

SUBJECT TO the full and free right and liberty for the Lord Mayor, Aldermen and Citizens of the City of Hobart, the Hydro Electric Commission and Her Majesty the Queen to enter upon the strip of land marked "Service Easement 3.05 metres wide" on SP 22913

SP 22913 COVENANTS in Schedule of Easements

SP 22913 FENCING COVENANT in Schedule of Easements

SP 13362 FENCING COVENANT in Schedule of Easements

SP 4726 FENCING PROVISION in Schedule of Easements

A785033 INSTRUMENT Creating Restrictive Covenants

E280986 MORTGAGE to Bendigo and Adelaide Bank Limited
Registered 25-Oct-2021 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



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	FOLIO
57241	0
EDITION	DATE OF ISSUE
3	27-Jan-2000

SEARCH DATE : 20-Jan-2022

SEARCH TIME : 12.18 AM

DESCRIPTION OF LAND

City of HOBART

The Common Property for Strata Scheme 57241 (formerly being STR2144)

Derivation : Part of 87 Acres Gtd. to The Perpetual Trustees, Executors & Agency Co. of Tas. Ltd. and Part of 52A-3R-0Ps Gtd. to George Flexmore
Prior CT 4089/71SCHEDULE 1

STRATA CORPORATION NO. 57241, 4 SUNVALE AVENUE, HOBART

SCHEDULE 2Reservations and conditions in the Crown Grant if any
SUBJECT TO the full and free right and liberty for the Lord Mayor, Aldermen and Citizens of the City of Hobart, the Hydro Electric Commission and Her Majesty the Queen to enter upon the strip of land marked "Service Easement 3.05 metres wide" on SP 22913

SP 22913 COVENANTS in Schedule of Easements

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SP 13362 FENCING COVENANT in Schedule of Easements

SP 4726 FENCING PROVISION in Schedule of Easements

A785033 INSTRUMENT Creating Restrictive Covenants

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Conveyancing and Law of Property Act 1884

STRATUM PLAN

No. 2144

Sheet 1 of 3 Sheets

REGISTERED NUMBER

57241

City or Town HOBART

Locality SANDY BAY

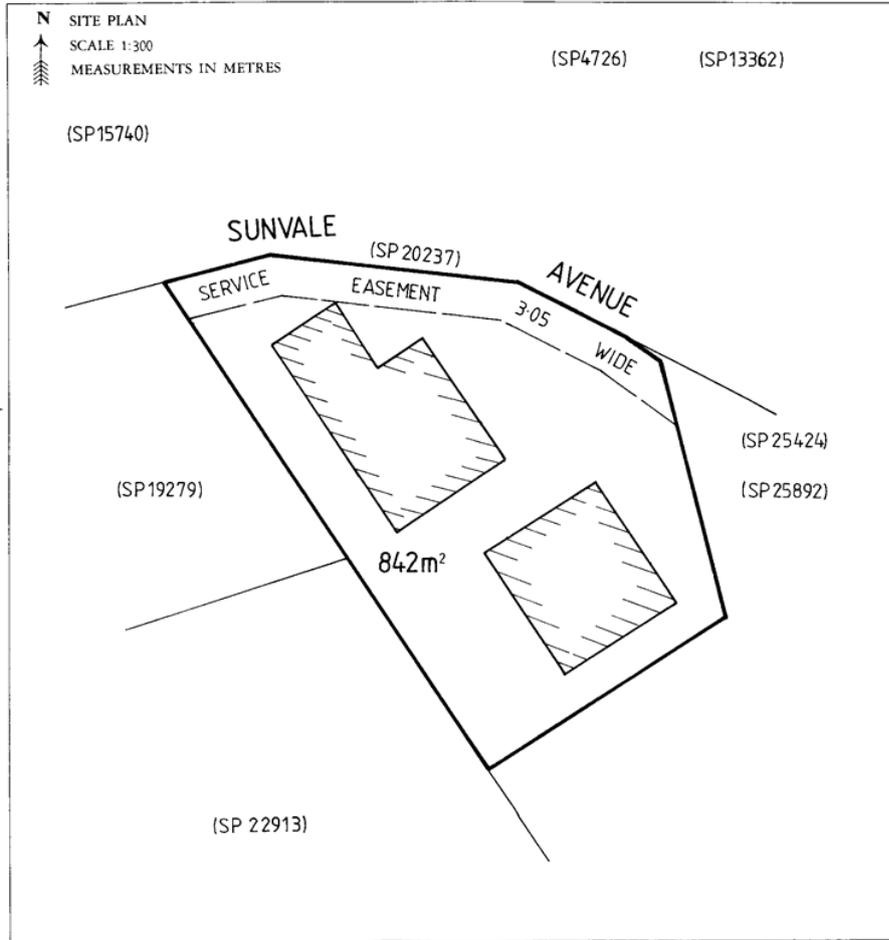
Reference to Title CT 4089-71

Site comprises the whole portion of Lot 185 on Plan Diagram No. SP 22913 in the

Lands Titles Office

The name of the building is N°4 SUNVALE AVENUE-HOBART

External surface boundaries of the site and the location of the building in relation thereto to be delineated in this space



REGISTERED this 21ST day of NOVEMBER 1986, No. 2144

This plan is lodged for registration by PIGGOTT WOOD & BAKER

Recorder of Titles

OS D 764



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



If further sheets are required to illustrate the flats, the sheets should be pinned here. Further sheets must be of paper supplied for the purpose by the Recorder of Titles and bearing his seal, and be numbered consecutively, commencing from sheet 4.

Sheet 2 of 3 Sheets

No. 2144

[Signature]
Town Clerk/Council Clerk

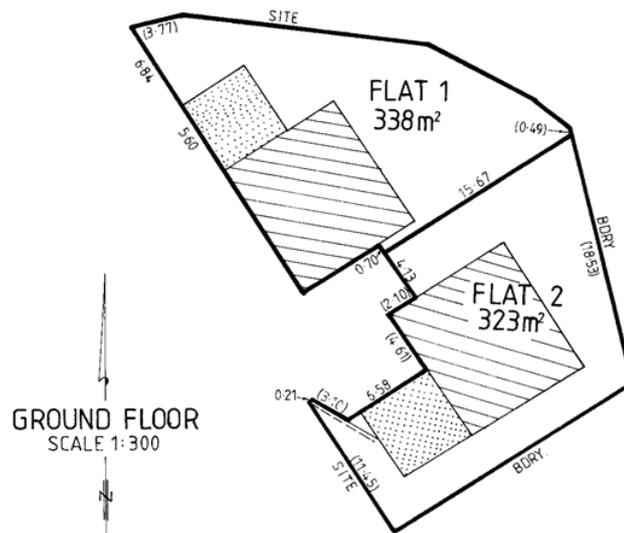
All horizontal flat boundaries are shown by heavy unbroken lines and are along the outer face of walls unless otherwise stated.
Boundaries described by measurement are open.

Measurements in brackets are for boundary fixation only.

The hachured portions of the flats are buildings and no part of the said buildings is common property.

The dotted portions of the flats are carports, the vertical boundaries of which extend from ground level to the upper face of the roof above.

The remaining portions of the flats are open and form part of the site and extend vertically from ground level to a height of 10 metres.



Planning: #245740

Property

1/4 SUNVALE AVENUE SANDY BAY TAS 7005

People

Applicant
= FAN ZHANG
43 DYNMYRNE ROAD
DYNMYRNE TAS 7005
0423 416 614
zhangfan4484@hotmail.com

Owner
= FAN ZHANG
43 DYNMYRNE ROAD
DYNMYRNE TAS 7005
0423 416 614
zhangfan4484@hotmail.com

Entered By
FAN ZHANG
43 DYNMYRNE ROAD
DYNMYRNE TAS 7005
0423 416 614
zhangfan4484@hotmail.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.

Yes

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)?

General Residential

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

Airbnb

Estimated cost of development

0.00

Existing floor area (m2)	Proposed floor area (m2)	Site area (m2)

Carparking on Site

N/A

Total parking spaces	Existing parking spaces

Other (no selection chosen)

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?

No

Documents

Required Documents

Title (Folio text and Plan and Schedule of Easements)
titles.pdf
Plans (proposed, existing)
plan.pdf

8. REPORTS

8.1 City Planning - Advertising Report File Ref: F22/16965

Memorandum of the Director City Planning of 23 February 2022 and attachment.

Delegation: Committee



City of **HOBART**

MEMORANDUM: CITY PLANNING COMMITTEE

City Planning - Advertising Report

Attached is the advertising list for the period 9 February 2022 to 22 February 2022.

RECOMMENDATION

That:

- 1. That the information be received and noted.**

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.

Neil Noye
DIRECTOR CITY PLANNING

Date: 23 February 2022
File Reference: F22/16965

Attachment A: City Planning - Advertising Report ↓

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-22-25	5 MUIR COURT	MOUNT STUART	Partial Demolition, Alterations and Extension	\$400,000	04/03/2022	ayersh	Director	09/02/2022	24/02/2022
PLN-21-794	150 WARWICK STREET	WEST HOBART	Ancillary Dwelling	\$95,000	21/03/2022	ayersh	Director	22/02/2022	08/03/2022
PLN-21-581	11 BEDFORD STREET	NEW TOWN	Partial Demolition, Alterations, and Extension	\$100,000	15/03/2022	langd	Director	21/02/2022	07/03/2022
PLN-22-12	276 SANDY BAY ROAD	SANDY BAY	Front Fence	\$20,000	10/03/2022	maxwellv	Director	09/02/2022	24/02/2022
PLN-21-867	16 MONA STREET	BATTERY POINT	Landscaping	\$250	14/03/2022	maxwellv	Director	09/02/2022	24/02/2022
PLN-21-552	44 HILLCREST ROAD	TOLMANS HILL	Dwelling	\$500,000	06/03/2022	maxwellv	Director	16/02/2022	02/03/2022
PLN-21-749	62 ST GEORGES TERRACE	BATTERY POINT	Partial Demolition and Alterations	\$100,000	15/03/2022	maxwellv	Director	16/02/2022	02/03/2022
PLN-21-656	11 WELLWOOD STREET	LENAH VALLEY	Partial Demolition, Alterations, and Extension	\$200,000	10/03/2022	maxwellv	Director	21/02/2022	07/03/2022
PLN-22-71	2/324 DAVEY STREET AND COMMON LAND OF PARENT TITLE	SOUTH HOBART	Partial Demolition & Alterations	\$10,000	25/03/2022	maxwellv	Director	22/02/2022	08/03/2022

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-21-822	17 RATHO STREET	LENAH VALLEY	Partial Demolition, Alterations and Extension	\$34,000	01/03/2022	mcclenahanm	Director	11/02/2022	26/02/2022
PLN-22-46	3 / 13 WAYNE AVENUE	SANDY BAY	Change of Use to Visitor Accommodation	\$0	22/03/2022	mcclenahanm	Council (Objection)	11/02/2022	26/02/2022
PLN-21-854	6 WOODCUTTERS ROAD	TOLMANS HILL	Dwelling	\$750,000	02/03/2022	mcclenahanm	Director	15/02/2022	01/03/2022
PLN-22-54	2 GEORGE STREET	NORTH HOBART	Change of Use to Visitor Accommodation	\$0	18/03/2022	mcclenahanm	Director	16/02/2022	02/03/2022
PLN-21-772	250 MACQUARIE STREET	HOBART	Partial Demolition and Alterations	\$120,000	20/03/2022	mcclenahanm	Director	22/02/2022	08/03/2022
PLN-22-52	111 - 115 MACQUARIE STREET	HOBART	Partial Demolition, Alterations and Extension and Signage	\$4,000,000	16/03/2022	mcclenahanm	Director	22/02/2022	08/03/2022
PLN-21-687	30 COPLEY ROAD	LENAH VALLEY	Four Multiple Dwellings (One Existing, Three New) and Associated Works	\$750,000	07/03/2022	smeea	Director	15/02/2022	01/03/2022
PLN-22-40	61 JUBILEE ROAD	SOUTH HOBART	Partial demolition, alterations, and extension	\$60,000	10/03/2022	smeea	Director	18/02/2022	04/03/2022
PLN-22-53	81 ELIZABETH STREET	HOBART	Signage	\$0	17/03/2022	widdowsont	Director	21/02/2022	07/03/2022

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-22-18	5 HATCHERY COURT	WEST HOBART	Dwelling	\$1,000,000	29/03/2022	wilsone	Director	11/02/2022	26/02/2022
PLN-22-45	365 ELIZABETH STREET	NORTH HOBART	Signage	\$0	15/03/2022	wilsone	Director	15/02/2022	01/03/2022
PLN-21-856	26 SHEPHERD STREET	SANDY BAY	Deck and Pergola	\$55,000	29/03/2022	wilsone	Director	18/02/2022	04/03/2022
PLN-21-652	15 - 19 WARWICK STREET	HOBART	Partial Demolition, Alterations, Extension, and Signage	\$1,850,000	20/03/2022	wilsone	Director	22/02/2022	08/03/2022

8.2 Delegated Decision Report (Planning)
File Ref: F22/19170

Memorandum of the Director City Planning of 2 March 2022 and attachment.

Delegation: Committee



City of **HOBART**

MEMORANDUM: CITY PLANNING COMMITTEE

Delegated Decision Report (Planning)

Attached is the delegated planning decisions report for the period 14 February 2022 to 25 February 2022.

RECOMMENDATION

That:

1. ***That the information be received and noted.***

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.

Neil Noye
DIRECTOR CITY PLANNING

Date: 2 March 2022
File Reference: F22/19170

Attachment A: Delegated Decision Report (Planning) ↓ 

1 March 2022

Delegated Decisions Report (Planning)

17 applications found.

Planning Description	Address	Works Value	Decision	Approved	All
				Authority	
PLN-21-571 Partial Demolition and Alterations to Driveway and Access	24 BIRNGANA AVENUE SANDY BAY TAS 7005	\$ 50,000	Approved		Delegated
PLN-21-727 Driveway Extension & Garage	332 DAVEY STREET SOUTH HOBART TAS 7004	\$ 25,000	Approved		Delegated
PLN-21-736 Dwelling	9 WESTINWOOD ROAD LENA VALLEY TAS 7008	\$ 448,470	Approved		Delegated
PLN-21-788 Outbuilding	76 PRINCES STREET SANDY BAY TAS 7005	\$ 8,000	Approved		Delegated
PLN-21-820 Partial Demolition, Alterations and Extension	4 LASSWADE AVENUE SANDY BAY TAS 7005	\$ 120,000	Approved		Delegated
PLN-21-843 Partial Demolition, Alterations, Swimming Pool and Decks	1 RED KNIGHTS ROAD SANDY BAY TAS 7005	\$ 150,000	Approved		Delegated
PLN-21-849 Signage	36 FORSTER STREET NEW TOWN TAS 7008	\$ 35,230	Approved		Delegated
PLN-21-865 Partial Demolition, Alterations and Deck	140-150 LIVERPOOL STREET HOBART TAS 7000	\$ 120,000	Approved		Delegated
PLN-21-866 Partial Demolition, Alterations and Ancillary Dwelling	13 NUTGROVE AVENUE SANDY BAY TAS 7005	\$ 260,000	Approved		Delegated
PLN-22-10 Change of Use to Visitor Accommodation	24/212 COLLINS STREET HOBART TAS 7000	\$ 0	Approved		Delegated
PLN-22-11 Outbuilding	60 KING STREET SANDY BAY TAS 7005	\$ 10,000	Approved		Delegated
PLN-22-15 Partial Demolition, Alterations and Deck	327 ELIZABETH STREET NORTH HOBART TAS 7000	\$ 35,000	Approved		Delegated
PLN-22-36 Pergola	4 WESTINWOOD ROAD LENA VALLEY TAS 7008	\$ 2,000	Approved		Delegated
PLN-22-55 Change of use to visitor accommodation	59 LORD STREET SANDY BAY TAS 7005	\$ 0	Approved		Delegated
PLN-22-69 Alterations	206 NEW TOWN ROAD NEW TOWN TAS 7008	\$ 23,140	Approved		Delegated
PLN-22-76 Alterations & Signage	644-644A SANDY BAY ROAD SANDY BAY TAS 7005	\$ 0	Approved		Delegated
PLN-22-9 Partial Demolition, Alterations and Extension	3 WOODLYN COURT SOUTH HOBART TAS 7004	\$ 290,000	Approved		Delegated

9. RESPONSES TO QUESTIONS WITHOUT NOTICE

Regulation 29(3) *Local Government (Meeting Procedures) Regulations 2015*.
File Ref: 13-1-10

The Chief Executive Officer reports:-

"In accordance with the procedures approved in respect to Questions Without Notice, the following responses to questions taken on notice are provided to the Committee for information.

The Committee is reminded that in accordance with Regulation 29(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chairman is not to allow discussion or debate on either the question or the response."

9.1 Hotel Rooms - Short Term Accommodation
File Ref: F22/13406; 13-1-10

Memorandum of the Director City Planning of 22 February 2022.

9.2 3 Greenlands Avenue - Heritage Officer Report
File Ref: F22/13410; 13-1-10

Memorandum of the Director City Planning of 16 February 2022.

That the information be received and noted.

Delegation: Committee



City of **HOBART**

**MEMORANDUM: LORD MAYOR
DEPUTY LORD MAYOR
ELECTED MEMBERS**

HOTEL ROOMS - SHORT TERM ACCOMMODATION

Meeting: City Planning Committee

**Meeting date: 7 February
2022**

Raised by: Councillor Coats

Question:

Can the Director advise how many hotel rooms have been currently taken off the market to accommodate covid quarantining purposes?

Response:

The four hotels within the Hobart Municipality that are currently being utilised for quarantining purposes are, Travelodge Hobart, 131 rooms, the Hotel Ibis, 296 rooms, the Best Western, 140 rooms and the Rydges Hotel, 63 rooms; providing a total of 630 rooms.

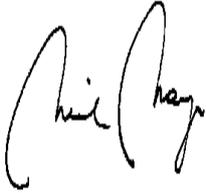
An extract from the Premier of Tasmania's Press Release of 18 February 2022 has advised that:

Given now that we have opened our borders, with the majority of cases that we're seeing, flattening as they are, but with the majority of cases that we're seeing with people now recovering at home and not needing to use our hotels, it means that we no longer have a need for the number of quarantine hotels that we have in place.

So, over coming weeks, the Department of Communities will discontinue the use of the Travel Lodge in Hobart City, the Travel Lodge at Hobart Airport, that'll take effect in March, as well as Rydges, the Best Western in Hobart, along with the Edgewater Hotel in Devonport, and they'll be discontinued at the end of the coming month of March.

This will leave three remaining hotels, the Ibis in Hobart, Pepper's Seaport in Launceston and the Sunrise Hotel in Devonport which will continue to be used for people who are unable to isolate at home or don't have a suitable premise to isolate.

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.

A handwritten signature in black ink, appearing to read "Neil Noye". The signature is fluid and cursive, with the first name "Neil" and the last name "Noye" clearly distinguishable.

Neil Noye
DIRECTOR CITY PLANNING

Date: 22 February 2022
File Reference: F22/13406; 13-1-10



City of **HOBART**

**MEMORANDUM: LORD MAYOR
DEPUTY LORD MAYOR
ELECTED MEMBERS**

3 GREENLANDS AVENUE - HERITAGE OFFICER REPORT

Meeting: City Planning Committee

**Meeting date: 7 February
2022**

Raised by: Alderman Briscoe

Question:

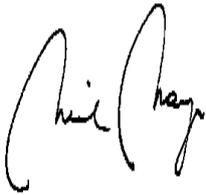
Can the Director provide an answer as to why the Heritage Officer was unable to provide clarity around the recommendation clause listed on the cover of the report?

Response:

This proposal was recommended for refusal and the substance of the report provided clear reasons to support the recommendation. The works were done illegally and retrospective approval was sought. No amendments to the works were proposed or considered.

The title to the report stated "Proposal is unacceptable, however subject to design amendments or submission of additional information it may become acceptable". The incorrect option was accidentally selected in the assessment system, rather than simply "Proposal is unacceptable". Measures have been put in place to avoid this error occurring in future.

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.

A handwritten signature in black ink, appearing to read "Neil Noye". The signature is fluid and cursive, with the first name "Neil" and last name "Noye" clearly distinguishable.

Neil Noye
DIRECTOR CITY PLANNING

Date: 16 February 2022
File Reference: F22/13410; 13-1-10

10. QUESTIONS WITHOUT NOTICE

Section 29 of the *Local Government (Meeting Procedures) Regulations 2015*.
File Ref: 13-1-10

An Elected Member may ask a question without notice of the Chairman, another Elected Member, the Chief Executive Officer or the Chief Executive Officer's representative, in line with the following procedures:

1. The Chairman will refuse to accept a question without notice if it does not relate to the Terms of Reference of the Council committee at which it is asked.
2. In putting a question without notice, an Elected Member must not:
 - (i) offer an argument or opinion; or
 - (ii) draw any inferences or make any imputations – except so far as may be necessary to explain the question.
3. The Chairman must not permit any debate of a question without notice or its answer.
4. The Chairman, Elected Members, Chief Executive Officer or Chief Executive Officer's representative who is asked a question may decline to answer the question, if in the opinion of the respondent it is considered inappropriate due to its being unclear, insulting or improper.
5. The Chairman may require a question to be put in writing.
6. Where a question without notice is asked and answered at a meeting, both the question and the response will be recorded in the minutes of that meeting.
7. Where a response is not able to be provided at the meeting, the question will be taken on notice and
 - (i) the minutes of the meeting at which the question is asked will record the question and the fact that it has been taken on notice.
 - (ii) a written response will be provided to all Elected Members, at the appropriate time.
 - (iii) upon the answer to the question being circulated to Elected Members, both the question and the answer will be listed on the agenda for the next available ordinary meeting of the committee at which it was asked, where it will be listed for noting purposes only.

11. CLOSED PORTION OF THE MEETING

That the Committee resolve by majority that the meeting be closed to the public pursuant to regulation 15(1) of the *Local Government (Meeting Procedures) Regulations 2015* because the items included on the closed agenda contain the following matters:

- Confirm the minutes of the Closed portion of the meeting
- Questions without notice in the Closed portion

The following items were discussed: -

- | | |
|------------|--|
| Item No. 1 | Minutes of the last meeting of the Closed Portion of the Committee Meeting |
| Item No. 2 | Consideration of supplementary items to the agenda |
| Item No. 3 | Indications of pecuniary and conflicts of interest |
| Item No. 4 | Questions Without Notice |