



City of HOBART

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee
Council: 11 July 2022
Expiry Date: 11 July 2022
Application No: PLN-22-328
Address: 18 GROSVENOR STREET , SANDY BAY
COMMON LAND OF PARENT TITLE
Applicant: CHRISTOPHER ROSS LAMOND
126 SANDY BAY ROAD
Proposal: Change of Use to Visitor Accommodation
Representations: No representations.
Performance criteria: Planning Directive No. 6 Exemption and Standards for
Visitor Accommodation in Planning Schemes - Visitor Accommodation,
Parking and Access Code - Number of Car Parking Spaces.

1. Executive Summary

- 1.1 Planning approval is sought for a change of use to visitor accommodation at 18 Grosvenor Street, Sandy Bay and the common land of the parent title for this property.
- 1.2 More specifically the proposal includes a change of use of one of the multiple dwellings on the site to allow it to be used for visitor accommodation. The proposed visitor accommodation use would have a floor area of 77m². A 17m² courtyard would also be available for the use. No on-site car parking would be provided for the proposed use.
- 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
 - 1.3.2 E6.0 Parking and Access Code - E6.6 Use Standards
- 1.4 No representations were received during the statutory advertising period between 6 and 21 June 2021.

- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council because it is a category of application that has been called in by an Elected Member.

2. Site Detail

2.1 The site is one of four conjoined multiple dwellings on the subject property. The dwellings are contained within a heritage listed building and each have direct pedestrian access to Grosvenor Street which is on the property's eastern boundary. There is a driveway at the southern end of the property which provides access to the southernmost dwelling only. The building is two storey, although the upper level is limited to a single room within the attic space of each dwelling. The site is generally surrounded by established residential use and development, although the Stonemans Garden Centre is nearby and to the north-west. The shopping area along Sandy Bay Road is approximately 130m to the east of the site.



Figure 1: aerial view of site (outlined in blue) and surrounding area.

3. Proposal

- 3.1 Planning approval is sought for a change of use to visitor accommodation at 18 Grosvenor Street, Sandy Bay and the common land of the parent title for this property.
- 3.2 More specifically the proposal includes a change of use of one of the multiple dwellings on the site to allow it to be used for visitor accommodation. The proposed visitor accommodation use would have a floor area of 77m². A 17m² courtyard would also be available for the use. No on-site car parking would be provided for the proposed use.

4. Background

- 4.1 There is no relevant background for this application.

5. Concerns raised by representors

- 5.1 No representations were received during the statutory advertising period.

6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the Inner Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is a multiple dwelling within the planning scheme's residential use class. The proposed use is visitor accommodation. The existing use is a permitted use in the above zone. The proposed use is also a permitted 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

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

Visitor Accommodation P2

6.5.2 E6.6 Use Standards

E6.6.1 Number of Car Parking Spaces

6.6 Each relevant performance criterion is assessed below.

6.7 3.1.(e) Visitor Accommodation P2

6.7.1 The acceptable solution A2 at clause 3.1.(e) of the Planning Directive requires visitor accommodation to not be for a lot that is part of a strata scheme where another lot within that scheme is used for a residential use.

6.7.2 The proposal includes visitor accommodation for a lot that is part of a strata scheme where another lot within that scheme is used for a residential use.

6.7.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.

6.7.4 The performance criterion P2 at clause 3.1.(e) 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 applicant suggests that the proposed visitor accommodation would

not impact upon adjoining residents because the proposed use would be provided with separate access from Grosvenor Street - i.e. the proposed use would not rely upon a shared access. The application includes a draft Visitor Management Plan which establishes a maximum occupancy for the proposed visitor accommodation (two adults). The draft management plan also outlines expectations for guests staying on the site, including a prohibition upon parties or functions and advice that the manager of the facility will monitor guest behaviour. Given these measures the proposal is considered unlikely to result in a significant increase in noise beyond that associated with the existing residential use of the site. A condition of approval should be that prior to commencement of the proposed visitor accommodation use, the operator must submit to Council a final version of the visitor management plan. The condition should require the plan to be implemented and maintained throughout the operation of visitor accommodation use. The condition should also require a copy of the plan to be provided to the residents within the strata scheme on the property.

6.7.6 It is noted that the location and layout of lots within the strata scheme on the site allows for direct access to the site frontage and that there are only limited common areas on the subject property that may be impacted by the proposal. There are no non-residential use on the property.

6.7.7 The proposal complies with the above performance criterion.

6.8 *E6.6.1 Number of Car Parking Spaces*

6.8.1 The acceptable solution at clause *E6.6.1* requires the number of on-site car parking spaces to be no less than the number specified in Table E6.1.

6.8.2 The proposal includes less than the number of on-site car parking spaces specified in Table E6.1. One on-site car parking spaces is required but no on-site car parking would be provided for the proposed use.

6.8.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.

6.8.4 The performance criterion at clause *E6.6.1* provides as follows:

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

- (a) car parking demand;*
- (b) the availability of on-street and public car parking in the locality;*
- (c) the availability and frequency of public transport within a 400m walking distance of the site;*
- (d) the availability and likely use of other modes of transport;*
- (e) the availability and suitability of alternative arrangements for car parking provision;*
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (g) any car parking deficiency or surplus associated with the existing use of the land;*
- (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;*
- (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;*
- (j) any verified prior payment of a financial contribution in lieu of parking for the land;*
- (k) any relevant parking plan for the area adopted by Council;*
- (l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;*
- (m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code.*

- 6.8.5 The proposal may result in reduced car parking demand as visitor accommodation guests are more likely to not have a vehicle compared with permanent residents and are more likely to use alternative means of transport. There is likely to be limited availability of on-street and public parking in the locality due to the proximity of the site to a shopping area and the University of Tasmania's Sandy Bay Campus. However, the site is also close to (i.e. within 400m walking distance) high frequency public transport, which is available along both Sandy Bay Road to the east and Regent Street to the west. The site is also considered to be close enough to the Hobart CBD and other significant areas to ensure that guests use alternative modes of transport such as walking or ride sharing services.
- 6.8.6 It is recognised that there is an existing car parking deficiency on the site, i.e. there is no car parking provided for the existing residential use of the

site. However, the proposal would not exacerbate the existing lack of car parking on the site - i.e. the planning scheme's car parking requirements for the existing use of the site are the same as those for the proposed use.

6.8.7 A financial contribution in lieu of parking towards the cost of parking facilities is not considered appropriate given that there is no parking plan for the area that has been adopted by Council. It is also noted that providing on-site car parking in this situation is likely to have a detrimental impact upon the historic cultural heritage values of the site.

6.8.8 The proposal complies with the above performance criterion.

7. Discussion

7.1 Planning approval is sought for a change of use to visitor accommodation at 18 Grosvenor Street, Sandy Bay and the common land of the parent title for this property.

7.2 The application was advertised and no representations were received.

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

7.4 The proposal is recommended for approval.

8. Conclusion

8.1 The proposed a change of use to visitor accommodation at 18 Grosvenor Street, Sandy Bay and the common land of the parent title for this property, satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015* and is recommended for approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a change of use to visitor accommodation at 18 Grosvenor Street, Sandy Bay and the common land of the parent title for this property, 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-22-328 - 18 GROSVENOR STREET SANDY BAY TAS 7005 - Final Planning Documents.

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 behaviour 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.

ADVICE

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

VISITOR ACCOMMODATION

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

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

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.



(Adam Smee)

Development Appraisal Planner

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



(Ben Ikin)

Senior Statutory Planner

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Date of Report: 27 June 2022

Attachment(s):

Attachment B - CPC Agenda Documents