

SUBMISSION TO LEGISLATIVE COUNCIL SELECT COMMITTEE – SHORT STAY ACCOMMODATION IN TASMANIA

FROM THE BATTERY POINT COMMUNITY ASSOCIATION

9 August 2018

Preamble

The Battery Point Community Association (BPCA) has prepared this submission fundamentally in the interests of the Battery Point community and other inner city precincts while accepting that the Inquiry has wider parameters.

The submission has been prepared based on on-going feedback from community meetings and discussions with residents and business owners of Battery Point.

Submission

The submission is based on the following *policy principles*:

- a) maintaining traditional/historical residential amenity;
- b) retaining a sense of community; and,
- c) maintaining and improving the heritage values of the precinct.

Since the demise of the original Battery Point Planning Scheme, the BPCA has found it particularly difficult to participate in any meaningful way in recent planning decisions as there has not been a clearly articulated Government strategic planning policy process to address or with which to engage. In short, despite its best efforts, the BPCA has no idea of what the current Government's vision might be for this historic suburb in terms of its "protection" and strategic development into the future. This lack of policy direction, however, has not stopped the Government from putting into place ad-hoc development provisions that have the very real potential to change, indeed damage, the nature and character of the Battery Point precinct and its community. To date, there is a sense that the Government has been dismissive of our concerns.

Despite the lack of direction from the Government, the BPCA has consistently presented its own strategic vision for Battery Point precinct over recent years (see Appendix – Principles adopted in 2017). This vision proposes to protect and maintain both the heritage values and existing residential characteristics of the suburb, including reference to housing affordability issues. This vision is consistent with the long-term interests of the State with regard to tourism, as well as those of local residents and businesses.

Following the final approval of the Hobart Interim Planning Scheme 2015, which regulated 'commercial activity' in the precinct, it did seem that some headway was being made toward a future consistent with our strategic vision. It appears, however, that the decisions taken by the

Tasmanian Planning Commission (TPC) at that time are under threat by virtue of the Government's recently approved State Planning Provisions.

The commercial activity referred to above has now been divided into two separate categories by dealing with visitor accommodation separately (under the Interim Planning Directive) from other commercial activities that will potentially be allowed (by virtue of the State Planning Provisions) as discretionary uses in the (proposed) State Planning Scheme.

It is acknowledged that some relief from the Government's ad hoc approach to planning in Battery Point has been achieved recently with the Tasmanian Planning Commission's recommendation that the visitor accommodation provisions under the Government's Visitor Accommodation Planning Directive (PD 6) be amended to exclude Battery Point (in part) from some provisions of the Planning Directive. This concession was achieved through recommendations of the TPC following objections made to it and not as a concession made by the Government.

Specific concerns regarding short stay accommodation

With regard specifically to *short stay accommodation*, the BPCA raises the following concerns:

- 1) The provisions of the Government's Visitor Accommodation regulations (IPD No 6) apply throughout the Inner Residential zone notwithstanding the considerable variations that exist across the various suburbs they apply to. This 'one size fits all' approach is inappropriate and inconsistent with the variability clearly evident across precincts. For example, it is obvious that for Battery Point and other similar inner city suburbs located adjacent to the City Centre and Hobart's tourist 'hotspots', Visitor Accommodation of a short stay nature (by virtue of volume and concentration in a small area) will have a far greater impact (for example, by way of the numbers of tourists and associated traffic stresses and demands on infrastructure, than on outlying suburbs). We note that there was no (Government) consultation on, or assessment of, these impacts prior to the TPC assessment of PD No. 6 and / or prior to it becoming law. Unfortunately, the impacts of this lack of consultation are only now being realised and these impacts acknowledged, at least by some. Consultation with communities prior to decision would have avoided this outcome.
- 2) It is clear that the short stay accommodation regulations have been introduced without any articulated strategic objectives, other than assisting the tourism industry. This single-focussed objective is short-sighted, ad-hoc and completely ignores both the associated amenity impacts on (particularly) inner city residents as well as the heritage values of historical precincts, including, but not exclusively Battery Point (refer next point).
- 3) There is general concern among the Battery Point community with regard to the loss of residential amenity and traditional residential characteristics in the precinct. The BPCA is of the view that simply by virtue of the close location of Battery Point to the Hobart CBD and the popular tourist district of Salamanca, Battery Point will soon be characterised by a 'saturation' of short stay visitor accommodation quite disproportionate to any other suburb. Appropriate assessment of planning provisions has not been undertaken to

understand or limit negative residential impacts, such as long-term renters being displaced by more financially rewarding (for owners) short stay visitors. A recent survey of members undertaken by the BPCA indicated that there is a transition occurring in Battery Point from a traditional and primarily residential suburb of essentially permanent residents and long-term renters, to one with multiple short stay offerings. This is impacting negatively on Battery Point's traditional heritage and residential characteristics (e.g. lack of housing affordability for some long-term residents (see following point), loss of social cohesion, community values and connectedness) with the long-term impacts likely to be significant, potentially damaging the tourist attraction of the area as a unique heritage precinct. The local amenity for residents and businesses is also likely to suffer.

- 4) Impact on Affordable Housing - Battery Point has been, for many years, a community where housing accessibility was available to a diverse range of people. It has had a strong tradition of residential occupancy, consisting of homeowners, long-term rentals, some short-term accommodation and businesses that included bed and breakfast accommodation. There was a fairly even spread of these occupancies and with this came a strong sense of community and concern for others. Prior to the deregulation of short stay accommodation to create essentially a free for all, rental properties were affordable for many people - many elected to "share" houses, students and people of all ages on modest incomes lived in rental accommodation throughout Battery Point. They enhanced communities in many positive ways, contributing significantly to the local economy by shopping, utilising services and patronising local businesses. However, since the changes in planning regulations most of these rental properties have been reutilised as short stay accommodation. Owners living interstate have purchased many properties and hence the income from them no longer stays in the state. Tenants have been moved on, often after being given only two weeks notice to vacate their homes in which they have often lived for many years. Older residents, in particular, have become insecure. It is clear that Tasmania is experiencing major problems for those people who need to find affordable accommodation, with many having to move to boarding houses, to the show grounds or to affordable accommodation that is a long way from their work place. They are vulnerable people with "no voice" who are competing for rental housing in an ever-decreasing market. There is a declining number of long-term rentals now available in Battery Point, which acerbates the problem.
- 5) Current government regulations do not take account of these potential negative impacts. Ideally, the BPCA considers that the best way to protect heritage values of properties is to have them occupied by owners. Obviously this is not always possible but to introduce provisions, without any community consultation, that have the strong potential to encourage a greater number of absentee owners (e.g. those residing interstate) is not in the long-term interests of Tasmania's heritage assets or its tourism 'brand'. The BPCA acknowledges the argument of some investors that heritage properties will be best maintained simply because they are investment properties. However, there is no evidence to date to support this, and the Association believes local ownership as opposed to absentee owners is the best option for maintaining the heritage 'fabric' of Battery Point

and other similar inner-Hobart precincts with high heritage value, from both a local and national perspectives.

- 6) The BPCA notes traffic and parking in Battery Point as on-going problems – the Association is regularly in discussion with the Hobart City Council to try to address these, with mixed outcomes. Such problems are being exacerbated by recent planning decisions and can only be expected to increase as tourist pressures increase. Unfortunately, such issues appear to have been over-looked by Government as a planning principle. Battery Point is a suburb of extremely narrow and several one-way streets already experiencing considerable traffic and parking pressures. A considerable number of existing residents do not have off-street parking and it is becoming increasingly difficult for some to find parking close to their own homes as a result of increased tourist numbers, many of whom are residing in short stay accommodation. The IPD makes no allowance for what should be a basic planning issue but in fact adds to the existing problem, particularly the potential increase in vehicles that the ‘exempt’ visitor accommodation provision will generate. There also appears to be an anomaly between the required parking provisions of ‘permitted/ discretionary’ and ‘exempt’ categories. This is puzzling in that it seems possible for ‘exempt’ visitor accommodation facilities not to have to comply with any parking provisions when in fact they may create more parking issues than other visitor accommodation facilities (that are required to meet planning scheme provisions).

Despite the concerns raised above, as a matter of principle the BPCA is not opposed to a balanced and managed approach to visitor accommodation, an approach that takes account of the heritage and residential amenity of the precinct. Indeed, visitor accommodation has been part of the ‘mix’ in Battery Point for many years and has sat comfortably with other (prime) residential and business uses. Further, the Association understands that Battery Point is an attractive visitor accommodation location and is open to discussion about options for accommodating additional tourist numbers. It is, however, imperative that such options do not impact significantly on the heritage value of the area nor on residents leading to the loss of existing residential amenity and impacting negatively on housing affordability for some. The ‘one size fits all’ approach in the IPD is not appropriate for Battery Point (and other similar unique precincts) both from a local and national heritage perspective and the interests of its residents.

The BPCA is strongly opposed to a (non-evidenced based) planning system that allows a particular use (short stay) not only to flourish, but to flourish under terms that do not require impacts to be assessed. It is clear that to really understand the impacts of short stay accommodation, the experiences elsewhere in the world need to be considered carefully together with local impact data. The current system allows some short-term stays that do not require any form of registration (i.e. the 4 bedroom situation) and other forms of short stays that are impossible to monitor (i.e. the absentee owner) situation. To date, there has been almost no discussion at a Government level regarding the impacts (current and emerging) of such situations.

Finally, the BPCA notes (again) that important decisions impacting on Battery Point have been taken without community consultation – a situation unheard of in modern town planning processes. It seems as though by ‘death by a thousand cuts’, residents see their amenity being eroded without input from those most affected. Obviously residents understand that Battery

Point's central location and the Tasmanian tourist boom will result in change as elsewhere, but it is not acceptable that imposed changes occur without consultation and without regard to the local and national heritage value of Battery Point and the amenity rights of residents. Many residents feel they are at the behest of Government ad-hoc decision-making that seems to prioritise short-term commercial (e.g. tourist) interests at the expense of their local interests.

Outcome sought from this submission

The BPCA seeks the following outcomes in response to this submission to the Legislative Council's inquiry into short stay accommodation in Tasmania:

- 1) The Legislative Council request that the Government undertake a systematic review of available data (local, interstate and international) on the impacts of short stay accommodation, particularly as it affects inner city heritage precincts such as Battery Point. (Residential amenity and housing affordability are associated elements of this.)
- 2) In light of the review in 1), the Government amend current policy as appropriate and ensure future planning decisions be evidenced-based and incorporate systematic community consultation.
- 3) The unique heritage nature of precincts such as Battery Point, from a local and national heritage perspective, be protected, and be considered in future planning decisions, such that the negative impacts of the application of "one size fits all" policies are avoided in the future.

APPENDIX

The BPCA adopted (2017) a set of principles to guide decision-making and planning for Battery Point. They are:

1. Battery Point is a nationally significant historic precinct whose heritage should be protected from inappropriate uses and development.
2. The ongoing use of the Inner Residential zoned area of the suburb should prioritise residential amenity and be principally for residential purposes.
3. Future residential development should be compatible with the existing urban and historic development pattern.
4. Non-residential uses should not be permitted and new developments should be limited to existing commercial or mixed-use zones.
5. Proposed uses and development should not intensify existing traffic and parking congestion within Battery Point.

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