

# APPLICATION FOR PLANNING PERMIT CHANGE OF USE TO VISITOR ACCOMMODATION

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## Status:

### Reference

BSA-HOB-2025-0018

### Address

UNIT 7 311 CHURCHILL AV SANDY BAY TAS  
7005

### Titles

58938/7

## Before you start

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Before you start your application, you will need to know if you require planning approval or not.

If you are unsure if you require a permit, use the [PlanBuild Tasmania Enquiry Service](#) to lodge a request for advice from the relevant Council.

Once your application has been submitted the Council will review your application. If payment has not been made, you will be sent a request for the payment of application fees via PlanBuild Tasmania.

Once the fees have been paid and the Council is satisfied with the information provided, the application will be assessed and you will be notified of the outcome.

If further action is required to assess your application you will receive an email notification containing a task to complete.

## Pre-Application Advice

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Have you spoken with anyone at Council about this application?

Yes - enter details below

No - continue to the next section

If yes, provide the name of the person you contacted

## Applicant

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Name	Email	Phone	Address	Involvement
Personal Information Removed				

## Owners

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Name	Email Address	Address
Personal Information Removed		

## Certificate of Title(s)

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Selected Titles

58938/7

Total Area: 226m<sup>2</sup>

## Owner Notification

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Are you the sole owner of the land?

Yes - continue to the next section

No - answer question below

**If no, have you notified all owners, joint or part owners of your intention to submit this application?**

Yes - enter owner details below

No - you must notify all owners before proceeding with this application

**List all owners, joint or part owners as recorded on the Title documents notified:**

Keith Kien Huy DUONG

Robin Andrew CHADWICK

**Enter the date that the last owner, joint or part owner was notified**

24/10/2025

**Declaration**

I declare that all land owners, joint or part owners have been notified of this planning application.

## Crown Land Consent

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**Is Crown Land involved in the proposed use or development?**

Yes - complete question below

No - continue to the next section - see further information below

Unsure

**If yes, has written Crown Land consent been obtained?**

Yes - upload written consent

No - application will not be progressed until consent has been provided

## Council General Manager Consent

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**Is Council-owned or administered land involved in the proposed use or development?**

Yes - complete question below

No - continue to the next section

Unsure

**If yes, has written consent been obtained from the Council General Manager?**

Yes - upload written consent

No - application will not be progressed until consent has been provided

## Proposed Use or Development

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**What is the reason for your planning application?**

I want to change how the property is used

I want to use the property for visitor accommodation

I want to subdivide

I want to undertake a new development or alteration

I want to do a minor boundary adjustment

I want to put up a sign(s)

I want to demolish

I want to do works only

Other

**If your application is to subdivide, please enter the number of proposed lots.**

0

**If your application is for signage, please enter the number of signs.**

**Is the property a Tasmanian Heritage Listed Property?**

Yes

No

**Is the application for an EPA Activity under the Environmental Management and Pollution Control Act 1994?**

Yes

No

Unsure

**Is the proposed use or development permitted or discretionary?**

- Permitted
- Discretionary
- Unsure if permitted or discretionary

**Provide a full description of the proposed use or development**

Proposing to provide short term visitor accommodation.

**Will the proposed use or development involve a road reserve?**

- Yes - complete the section below
- No - continue to the next section
- Unsure

**If yes, enter the address(es) or locations below:**

**If yes, how will the road reserve be affected?**

## Supporting Documents

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Version	Document Date	Document Type	Description	Prepared By
1	24 Oct 2025	Property Title Document	Churchill Ave Certificate of Title.pdf	Mr Keith Duong

## Next Steps

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When you have completed all the necessary fields and attached all required documents to support your application, click on the green 'Save & Submit' button at the top right of this form.

Form published: 14/05/2025 15:53

# CERTIFICATE OF TITLE

LAND TITLES ACT 1980



TASMANIA

## TORRENS TITLE

VOLUME		FOLIO
58938		7
EDITION	DATE OF ISSUE	
7	09-Aug-2025	
Page 1		of 1

I certify that the person described in Schedule 1 is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries specified in Schedule 2 and to any additional entries in the Folio of the Register.

Recorder of Titles



### DESCRIPTION OF LAND

City of HOBART  
Lot 7 on Strata Plan 58938 (formerly being STR721) and a general unit entitlement operating for all purposes of the Strata Scheme being a 125 undivided 1/1000 interest  
Derived from Strata Plan 58938  
Derivation : Part of 52A-3R-0Ps Gtd to G Flexmore  
Prior CT 3661/75

### SCHEDULE 1

N271227 TRANSFER to ROBIN ANDREW CHADWICK and KEITH KIEN HUY DUONG Registered 09-Aug-2025 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 58938 folio 0  
BENEFITING EASEMENT: A right of drainage set forth in Conveyance No. 34/1183 over the Drainage Easement marked C.D.E.F. on Diagram No. 8823 so far as such right was validly created and is subsisting and capable of taking effect  
BURDENING EASEMENT: A similar right of drainage (appurtenant to Lots 4 to 7 on Deeds Office Diagram No. 72/79) over the Drainage Easement marked A.C. on Diagram No. 8823  
BURDENING EASEMENT: A similar right of drainage (appurtenant to the balance of the land in Conveyance No. 32/4766) over the Drainage Easement marked A.C. and B.C. on Diagram No. 8823  
34/1183 FENCING & OTHER CONDITIONS in Conveyance

SEARCH OF TORRENS TITLE

VOLUME 58938	FOLIO 0
EDITION 3	DATE OF ISSUE 28-Apr-1999

SEARCH DATE : 27-Oct-2025

SEARCH TIME : 04.35 PM

DESCRIPTION OF LAND

City of HOBART

The Common Property for Strata Scheme [58938](#) (formerly being STR721)

Derivation : Part of 52A-3R-0Ps Gtd to G Flexmore

Prior CT [3586/36](#)

SCHEDULE 1

STRATA CORPORATION NO. [58938](#), 311 CHURCHHILL AVE., HOBART

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

**BENEFITING EASEMENT:** A right of drainage set forth in Conveyance No. [34/1183](#) over the Drainage Easement marked C.D.E.F. on Diagram No. 8823 so far as such right was validly created and is subsisting and capable of taking effect

**BURDENING EASEMENT:** A similar right of drainage (appurtenant to Lots 4 to 7 on Deeds Office Diagram No. 72/79) over the Drainage Easement marked A.C. on Diagram No. 8823

**BURDENING EASEMENT:** A similar right of drainage (appurtenant to the balance of the land in Conveyance No. [32/4766](#)) over the Drainage Easement marked A.C. and B.C. on Diagram No. 8823

[34/1183](#) FENCING & OTHER CONDITIONS in Conveyance

[A786880](#) APPLICATION TO AMEND STRATUM PLAN. Registered 15-Aug-1984 at noon

UNREGISTERED DEALINGS AND NOTATIONS

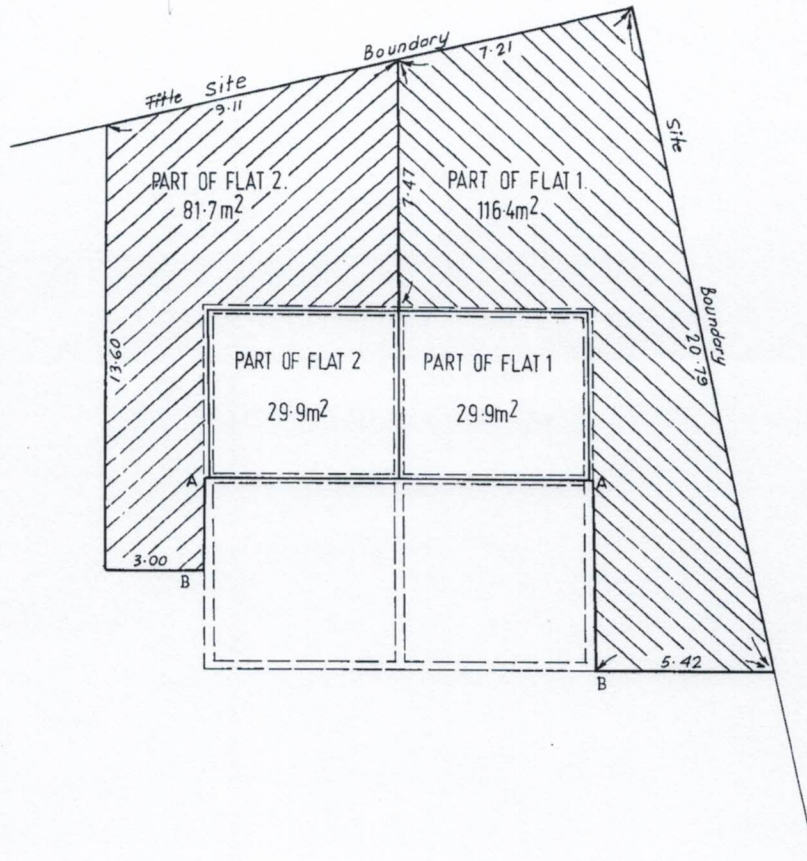
No unregistered dealings or other notations



Sheet 2 of...#16...Sheets

*[Signature]*  
Town Clerk/Council Clerk

BASEMENT  
SCALE : 1:150



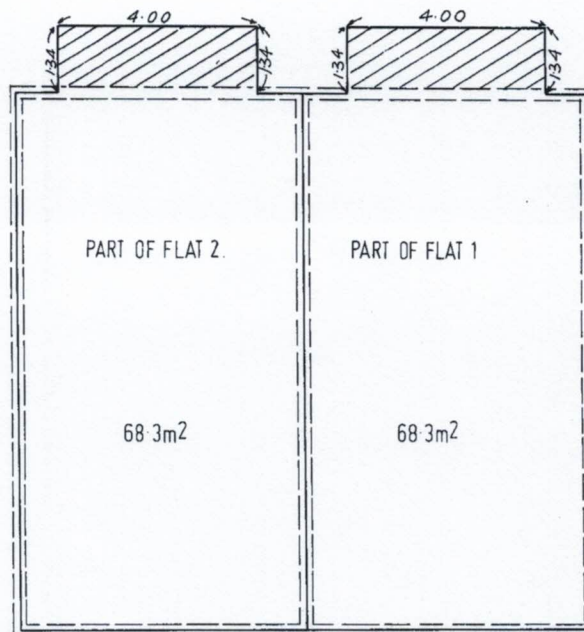
Horizontal boundaries of the flats are shown by heavy unbroken lines. Boundaries of the flats are the centres of floors, walls and ceilings unless otherwise defined.

Hatched portions of flats 1 and 2 are open and form part of the site and are defined horizontally by measurements and vertically by three metres above ground level, and the outside face of walls marked AB

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.

*[Signature]*  
Town Clerk/Council Clerk

GROUND FLOOR  
SCALE : 1:100



Horizontal boundaries of flats are shown by heavy unbroken lines. Boundaries of the flats are the centres of walls, floors and ceilings unless otherwise defined.

Hatched areas of portions of flats are balconies. Horizontal boundaries are the outside face of the concrete slab, and are defined by measurement. Vertical boundaries extend from the centre of the slab to the extension of the centre of the ceilings of the flats.

Sheet 4 of 16 Sheets

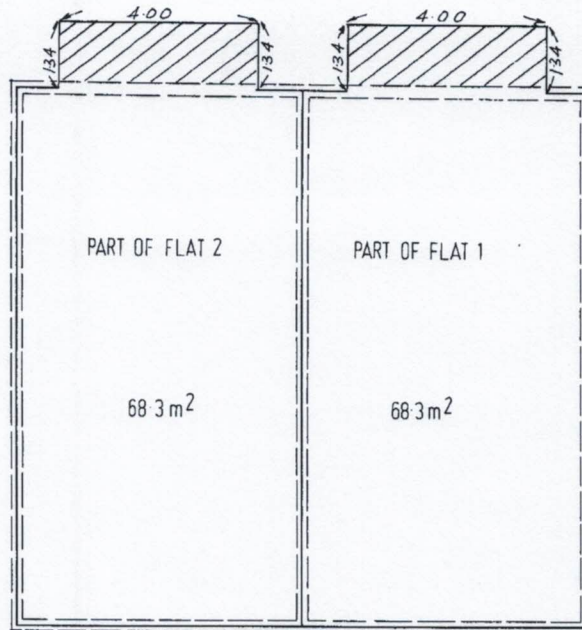
STRATUM PLAN

*[Signature]*  
Town Clerk/Council Clerk

of 311 CHURCHILL AVE HOBART  
(insert here name of the building)



FIRST FLOOR  
SCALE: 1:100



Horizontal boundaries of flats are shown by heavy unbroken lines. Boundaries of the flats are the centres of walls, floors and ceilings unless otherwise defined.

Hatched areas of portions of flats are balconies. Horizontal boundaries are the outside face of the concrete slab and are defined by measurement. Vertical boundaries extend from the centre of the slab to the extension of the centre of the ceilings of the flats.

73424

Sheet 5 of 16 Sheets

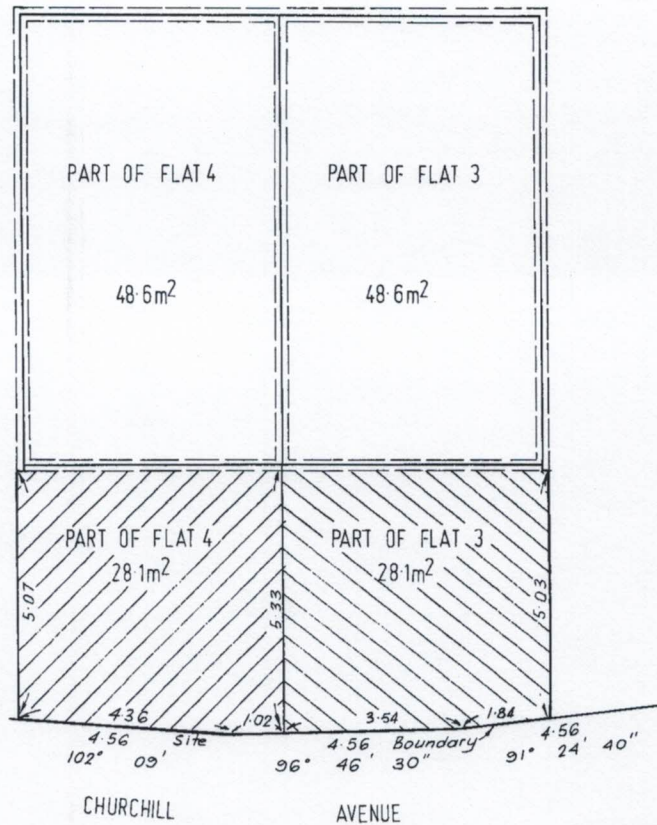
STRATUM PLAN

Town Clerk / Council Clerk

of 311 CHURCHILL AVE HOBART  
(insert here name of the building)



BASEMENT:  
SCALE: 1:100



Horizontal boundaries of flats are shown by heavy unbroken lines. Boundaries of the flats are the centres of floors, walls and ceilings unless otherwise defined.

Hatched portions of flats 3 and 4 are open and form part of the site and are defined horizontally by measurement and vertically by three metres above ground level.

73484

Sheet 6 of 16 Sheets

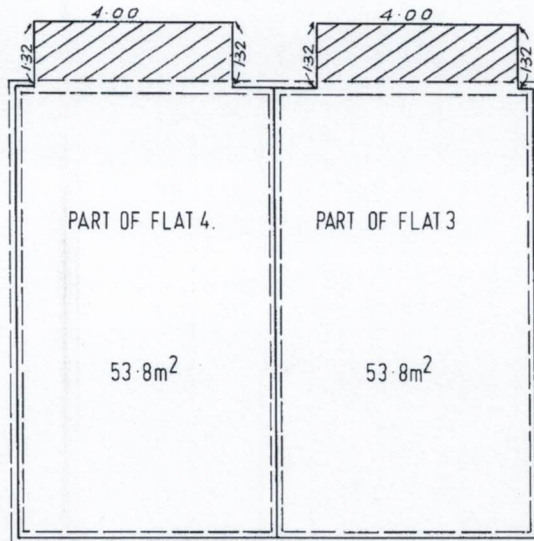
STRATUM PLAN

*[Signature]*  
Town Clerk/Council Clerk

of 311 CHURCHILL AVE. HOBART  
(insert here name of the building)



GROUND FLOOR  
SCALE: 1:100



Horizontal boundaries of flats are shown by heavy unbroken lines. Boundaries of the flats are the centres of walls, floors and ceilings unless otherwise defined.

Hatched areas of portions of flats are balconies. Horizontal boundaries are the outside face of the concrete slab and are defined by measurement. Vertical boundaries extend from the centre of the slab to the extension of the centre of the ceilings of the flats.

73424

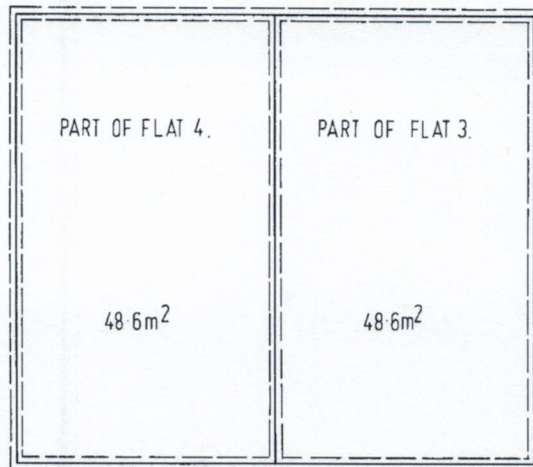
Sheet 7 of 1416 Sheets

STRATUM PLAN

*[Signature]* of 311 CHURCHILL AVE. HOBART  
*Town Clerk/Governor Clerk* (insert here name of the building)



FIRST FLOOR  
SCALE: 1:100



Horizontal boundaries of flats are shown by heavy unbroken lines. Boundaries of the flats are the centres of walls, floors and ceilings unless otherwise defined.

73424

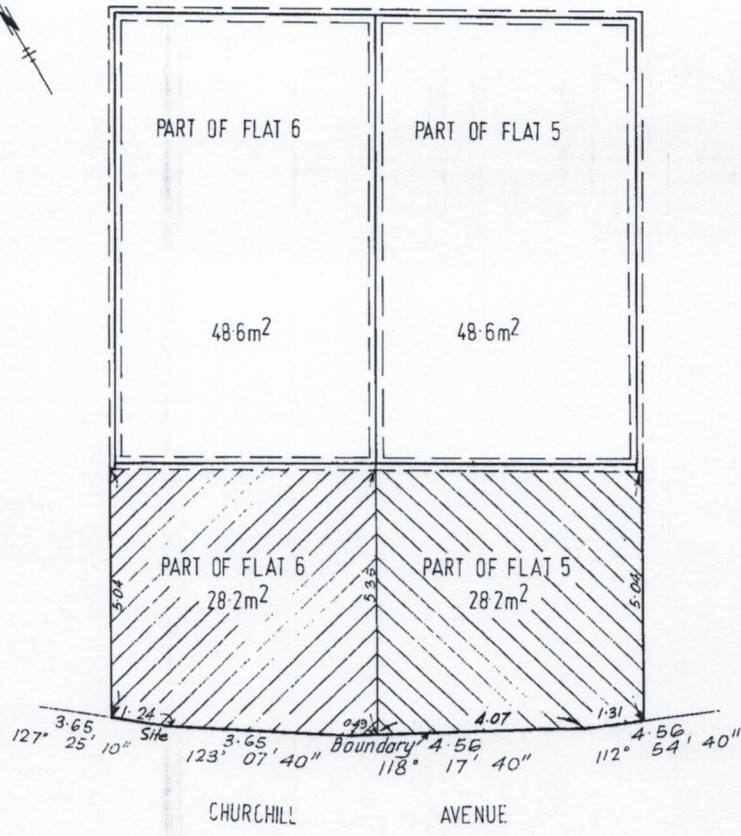
Sheet 8 of #16 Sheets

STRATUM PLAN

Town Clerk/Council Clerk of 311 CHURCHILL AVE. HOBART  
(insert here name of the building)



BASEMENT  
SCALE: 1:100



Horizontal boundaries of the flats are shown by heavy unbroken lines. Boundaries of the flats are the centres of floors, walls and ceilings unless otherwise defined.

Hatched portions of flats 5 and 6 are open and form part of the site and are defined horizontally by measurement and vertically by three metres above ground level.

73424

Sheet 9 of 15 Sheets

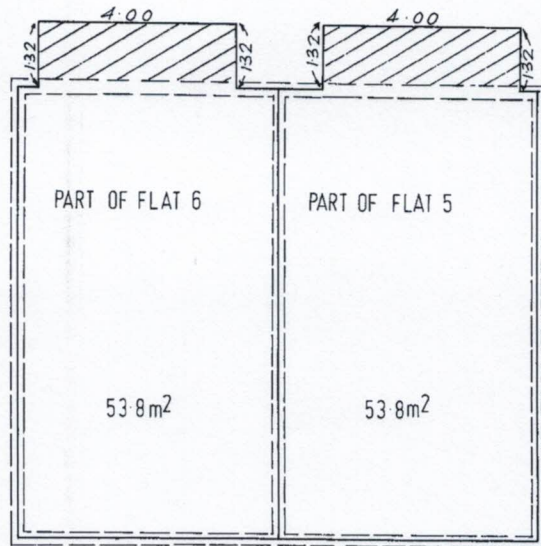
STRATUM PLAN

*[Signature]*  
Town Clerk/Council Clerk

of 311 CHURCHILL AVE HOBART  
(insert here name of the building)



GROUND FLOOR  
SCALE: 1:100



Horizontal boundaries of flats are shown by heavy unbroken lines. Boundaries of the flats are the centres of walls, floors and ceilings unless otherwise defined.

Hatched areas of portions of flats are balconies. Horizontal boundaries are the outside face of the concrete slab and are defined by measurement. Vertical boundaries extend from the centre of the slab to the extension of the centre of the ceilings of the flats.

73424

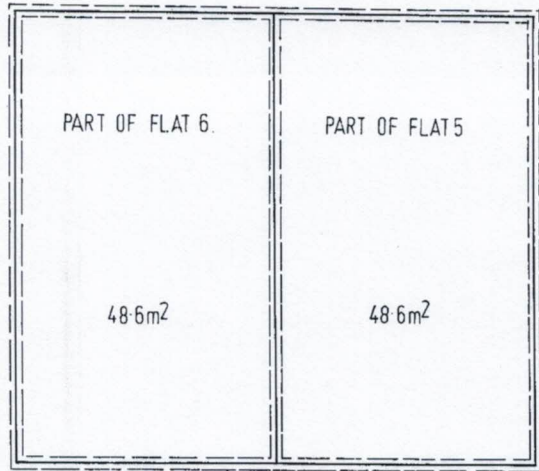
Sheet 10 of 16 Sheets

STRATUM PLAN

~~Town Clerk/Council Clerk~~ of 311 CHURCHILL AVE HOBART  
(insert here name of the building)



FIRST FLOOR  
SCALE:1:100



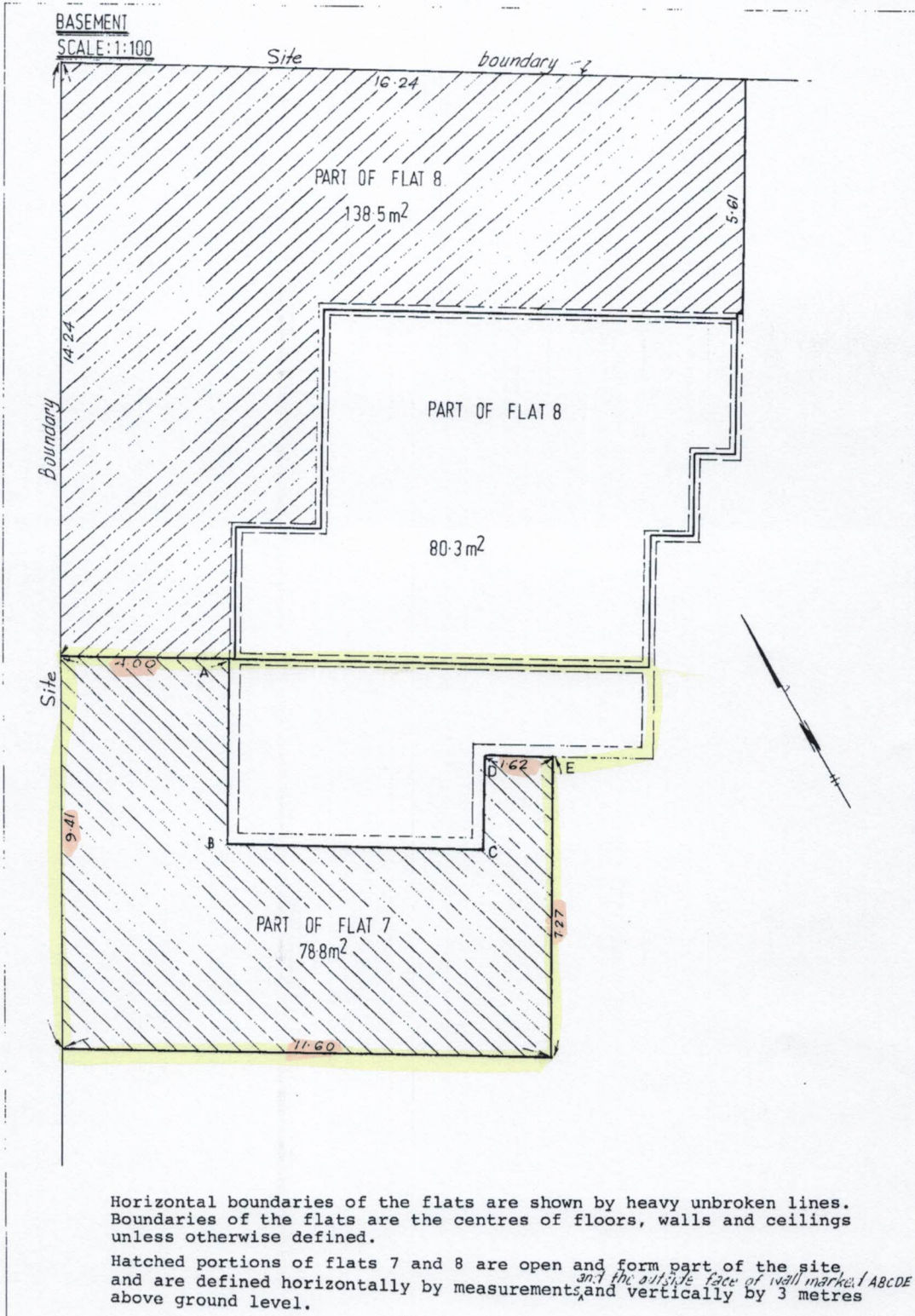
Horizontal boundaries of flats are shown by heavy unbroken lines. Boundaries of the flats are the centres of walls, floors and ceilings unless otherwise defined.

73424

Sheet 11 of #16 Sheets

STRATUM PLAN

*[Signature]* of 311 CHURCHILL AVE HOBART  
*Town Clerk/Council Clerk* (insert here name of the building)



73424

Sheet 12 of 15 Sheets

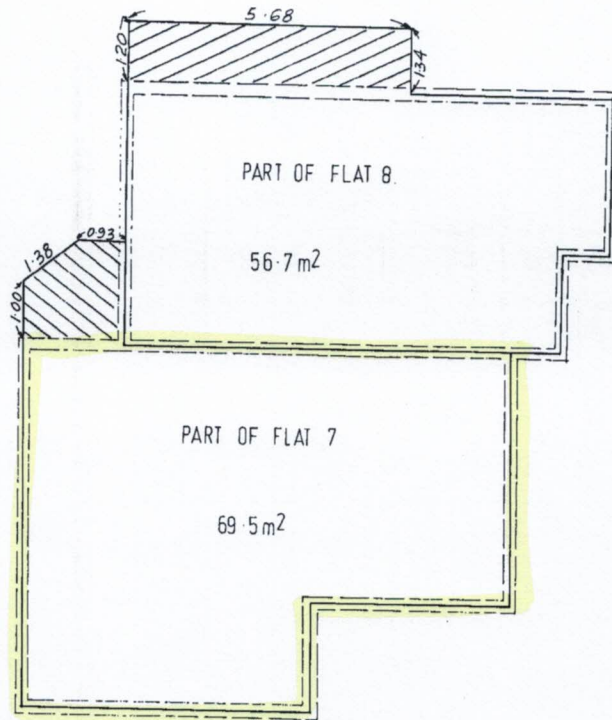
STRATUM PLAN

*[Signature]*  
Town Clerk/Council Clerk

of 311 CHURCHILL AVE HOBART  
(insert here name of the building)



GROUND FLOOR  
SCALE 1:100



Horizontal boundaries of flats are shown by heavy unbroken lines. Boundaries of the flats are the centres of walls, floors and ceilings unless otherwise defined.

Hatched areas of portions of flats are balconies. Horizontal boundaries are the outside face of the concrete slab and are defined by measurement. Vertical boundaries extend from the centre of the slab to the extension of the centre of the ceilings of the flats.

73484

Sheet 13 of 16 Sheets

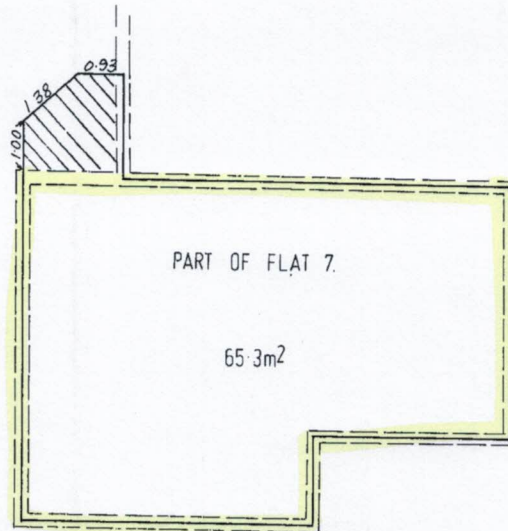
STRATUM PLAN

*[Signature]*  
Town Clerk/Council Clerk

of 311 CHURCHILL AVE HOBART  
(insert here name of the building)



FIRST FLOOR  
SCALE: 1:100



Horizontal boundaries of flats are shown by heavy unbroken lines. Boundaries of the flats are the centres of walls, floors and ceilings unless otherwise defined.

Hatched areas of portions of flats are balconies. Horizontal boundaries are the outside face of the concrete slab and are defined by measurement. Vertical boundaries extend from the centre of the slab to the extension of the centre of the ceilings of the flats.

73424

Sheet ~~15~~ 14 of 16 Sheets

STRATUM PLAN

*[Signature]* of 311 CHURCHILL AVE, HOBART  
Town Clerk/Council Clerk (Insert here name of the building)



BASEMENT  
SCALE 1:100  
Lengths in Metres.



CHURCHILL

Horizontal boundaries of the flats are shown by heavy unbroken lines.  
Horizontal boundaries shown by measurements not in brackets are open.  
Horizontal boundary marked AB is along the outside face of wall.  
Vertical boundaries extend 3 metres above ground level.

73424

Sheet #15 of 16 Sheets

STRATUM PLAN

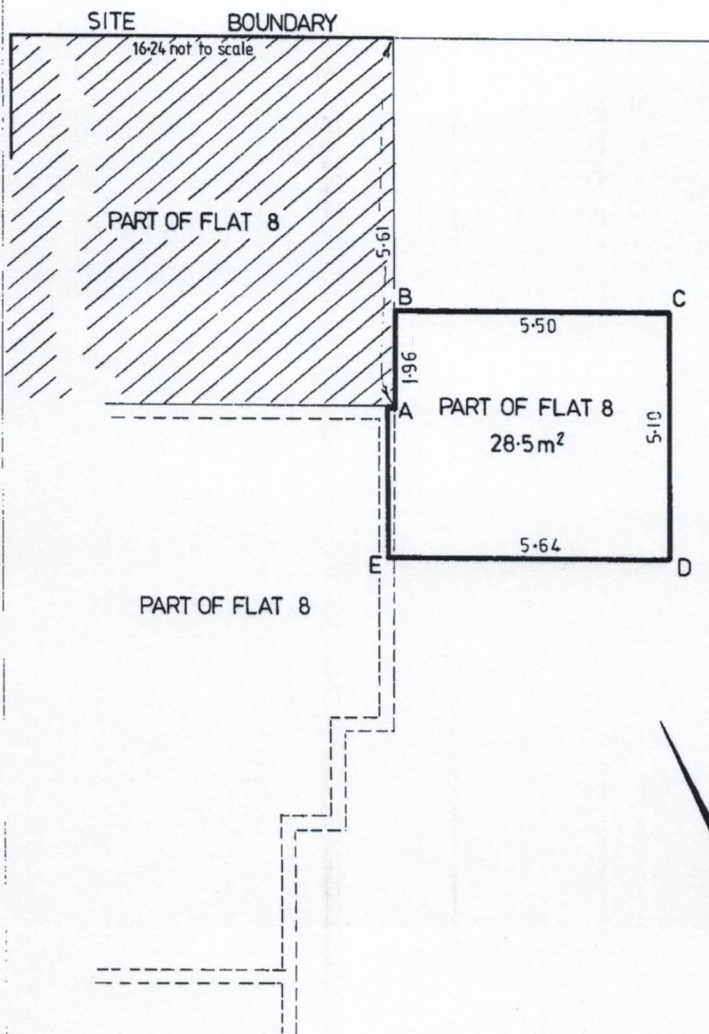
*[Signature]*  
Town Clerk/Council Clerk

311 CHURCHILL AVE, HOBART.  
(insert here name of the building)



BASEMENT  
SCALE - 1 : 100

Lengths in Metres



Horizontal boundaries of the flats are shown by heavy unbroken lines.

Horizontal boundary marked A E is the centre of wall.

Horizontal boundaries marked A, B, C, D, E, are open and are defined by measurements.

Vertical boundaries extend 3 metres from the centre of the concrete floor slab.

73424

Sheet ~~#15~~ of ~~#16~~ Sheets

*[Signature]*  
Town Clerk/Council Clerk

The address for service of notices on the company is:—

309 - 313 CHURCHILL AVENUE  
SANDY BAY 7005

**SURVEYOR'S CERTIFICATE**

I, *John E. Muffet*  
of *Sandy Bay*  
a surveyor registered under the *Land Surveyor's Act 1909*, hereby certify that the building erected on the site described and delineated on sheet 1 of this plan is within the external boundaries of the title stated on sheet 1.

Dated this *6<sup>th</sup>* day of *Oct* - 19 *77*

*[Signature]*  
Registered Surveyor

**UNIT ENTITLEMENTS**

Flat	Unit Entitlement	FOR OFFICE USE ONLY
1	12.5	36.61 - 6.7
2	12.5	70
3	12.5	71
4	12.5	72
5	12.5	73
6	12.5	74
7	12.5	75
8	12.5	76
<b>TOTAL</b> ....		1000

**COUNCIL CLERK'S CERTIFICATE**

I certify that the subdivision shown in this plan has been approved by the.....

*HOBART CITY* Council

Dated this *2<sup>nd</sup>* day of *DECEMBER* 19 *77*

*[Signature]*  
Town Clerk/Council Clerk

**FOR OFFICE USE ONLY**

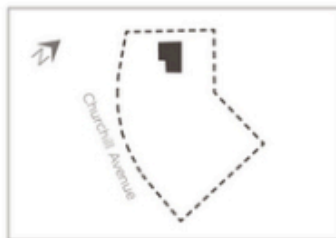
A786980 Application pursuant to Section 751A of the Conveyancing and Law of Property Act 1984 amending the Stratum Plan in the following manner:—

(1) by adding new sheets 15 and 16.

Dated this *15<sup>th</sup>* day of *August* 19*84*

*[Signature]*  
J. BRUCE  
Acting Deputy Recorder  
of Titles

7/311 Churchill Avenue, Sandy Bay TAS 7005



7/311 Churchill Avenue  
SANDY BAY

Total House Area : 102 sqm  
Total Land Size : 213 sqm



This drawing is for illustration purposes only. Sizes are approximate.

# REQUEST FOR INFORMATION

## Reference

RFI-HOB-2025-1689

## Application Reference

BSA-HOB-2025-0018

## Address

UNIT 7 311 CHURCHILL AV SANDY BAY TAS 7005

## Titles

58938/7

## Requested By

### Requested By:

Mary McNeill

## Information Requested

#	Reason	Origin
1	<p><b>PLN - 8.3.2 Visitor Accommodation</b></p> <p>Under subclause A2, Visitor Accommodation must not be for a strata lot that is part of a strata scheme where another strata lot within the strata scheme is used for a residential use. Information available to Council indicates that residential use has been retained for the other strata lots in the strata scheme. Accordingly, please provide evidence that all other strata lots are legally being used for a use other than a residential use, or provide a response to the Performance Criteria under P2 as follows:</p> <p><b>P2</b>  <i>Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other strata lots within the strata scheme, having regard to:</i></p> <p>(a) <i>the privacy of residents;</i>            (b) <i>any likely increase in noise;</i>            (c) <i>the residential function of the strata scheme;</i>            (d) <i>the location and layout of the strata lots;</i>            (e) <i>the extent and nature of any other non-residential uses; and</i>            (f) <i>any impact on shared access and common property.</i></p> <p>For advice: it is highly recommended that details of any proposed management plan be provided, including maximum number of guests, and the management of behaviour and noise, use of Lot 7's outdoor spaces, use of the common property including parking management, management of any commercial vehicles required for servicing the unit, waste management, and any other matters to satisfactorily address clause 8.4.2 P2. Any management plan should include details of any mitigation measures to limit, manage and mitigate unreasonable impacts upon the amenity of long-term residents.</p>	LUPAA 1993
2	<p><b>About this request and response requirements</b></p> <p>This is a request for information issued under s54 of the <i>Land Use Planning and Approvals Act 1993</i>.</p> <p>You are required by the Council to provide the requested additional information and submit it via PlanBuild Tasmania. Any information submitted in any other way will not be accepted.</p> <p>Under the Act, the Council has 42 days to determine your application (excluding the period from the date of this request until the information is received to the Council's satisfaction).</p> <p>Please telephone Mary McNeill on 6238 2753 if you have any queries regarding this request.</p>	LUPAA 1993
3	<p><b>ADVICE - TITLE RESTRICTIONS: 34/1183 FENCING &amp; OTHER CONDITIONS in Conveyance</b></p> <p>There are covenants registered on the title under Deed 34/1183 including:</p> <p><i>...to observe and perform the covenants hereinafter mentioned that is to say not to</i>            (d) <i>Use the dwelling house for any other purpose other than private dwelling.</i>            (e) <i>set up or carry on in or upon the said land any trade, manufacture, or business of any kind but the letting of residential flats shall not be deemed to be a trade or business within the meaning of this covenant.</i></p> <p>Whilst private covenants of this nature are not required to be considered under the LUPAA 1993, should a permit be issued by the planning authority, there may be a legal restriction that prevents a Visitor Accommodation use permit from being able to be acted upon, as planning approval does not override a covenant. It is highly recommended that you seek independent legal advice so as to avoid use or development in breach of the covenants registered on the title.</p>	Lands Titles Act 1980

## Response comments

### Response to Request for Further Information

Hi Mary

Please see our responses to your information requests.

By way of an introductory background, we live in Melbourne and purchased the property in July of this year with the intention to spend time living in it whenever possible and eventually using it as our primary residence. Since purchasing the property, we have undertaken substantial improvements both inside and outside the property and are actively involved as a body corporate committee member working towards making much needed improvements to the common property. In the short term, we are hoping to spend between 30 - 50% of our time living in the property and hence, short term visitor accommodation is our only option in terms of generating some income to contribute to the costs.

We will appoint a professional short stay property manager to oversee the property. We have interviewed 2 and will make an appointment once the permit is in place. They are very experienced and are particularly strong in communicating with guests and setting expectations around these issues of noise and respect for neighbours.

The strata scheme comprises 8 townhouses built in groups of two. Each has their own private outdoor space. Common property is only the driveway and a small amount of garden. There is no common property that is used for any type of leisure and there are no facilities provided by the body corporate. Each unit has two allotted car spaces and there are an additional two visitor spaces. Each unit is designed in such a way that it only has either a garage or parking facing onto the driveway so there is no impact on privacy.

Of the other 7 units, 2 are owner occupied and 5 are rented out.

Guests will be made aware of all house rules upon making a booking. This will include no parties or excessive noise, respecting neighbours and only using the two allocated parks. The property manager also obtains a copy of the guest's licence when making a booking which is as a deterrent for any possible guests with inappropriate intentions. If guests breach this, they are advised they run the risk of the police being called and them being evicted from the property regardless of the time of day or night.

Occupants of all other units will be provided with contact details for both the property manager and ourselves, and encouraged to reach out if they have any concerns or issues.

The property is 3 bedrooms and will have a maximum capacity of 6 people, however we are advised that the average booking would be around 4 people. In addition, an occupancy rate of around 50 - 60% is expected. Combined with the amount of time that we are residing in the property, we do not believe this is likely to impose any negative impact on noise or other residents privacy. Guests staying at the property are not expected to behave any differently to other residents and visitors to the strata complex.

A cleaner will visit after each booking and will be required to only use the allotted car spaces. The property manager will attend weekly to put out and collect bins.

Addressing the performance criteria specifically:

(a) The privacy of residents will not be adversely impacted. Guests are not expected to behave in any manner that is different to any other resident or visitor to the strata complex. When coming and going, they are required to use the common driveway which has minimal or no impact on other residents privacy given that no living or outdoor spaces face onto the driveway. Combining the expected occupancy rate together with the time the property is not available, will limit the number of different guests coming and going. Guests will be made aware of the need to comply with the house rules including noise, parking and respect for other residents.

(b) The risk of increased noise will be mitigated by visitors being made aware through communication received from the property manager to keep noise to a minimum and to not use the property for parties or functions. Furthermore, neighbours will be able to contact the Accommodation Manager to address any complaints.

(c) The strata scheme and other lots are used for residential purposes. The strata has adopted the model by-laws. Use of the property for short term visitor accommodation done in a respectful manner is not inconsistent with the bylaws.

We have advised the body corporate committee and the owner occupiers of our intentions.

(d) In relation to location and layout of the strata lots, the only relevant common property is the driveway. All lots have only garage or parking space that front onto the driveway. No lots have any living or outdoor spaces that front onto the driveway therefore reducing any impact on privacy from guests coming and going. Each individual unit is very private with their own balconies and private outdoor spaces.

(e) there are no other non-residential uses which this property will be used for. All other strata lots are used for residential purposes.

(f) The only common property relates to the driveway and visitors will be instructed only to use the two parks allocated to our property. Given the expected occupancy rate it may result in a reduced amount of traffic compared to someone living there permanently.

We note your comments in point number 3 relating to title restrictions and will seek advice on this.

Please let us know if you need any further information.

Regards  
Keith Duong

## Documents

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No Documents.

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Submitted on 11/11/2025