

PLAN 5

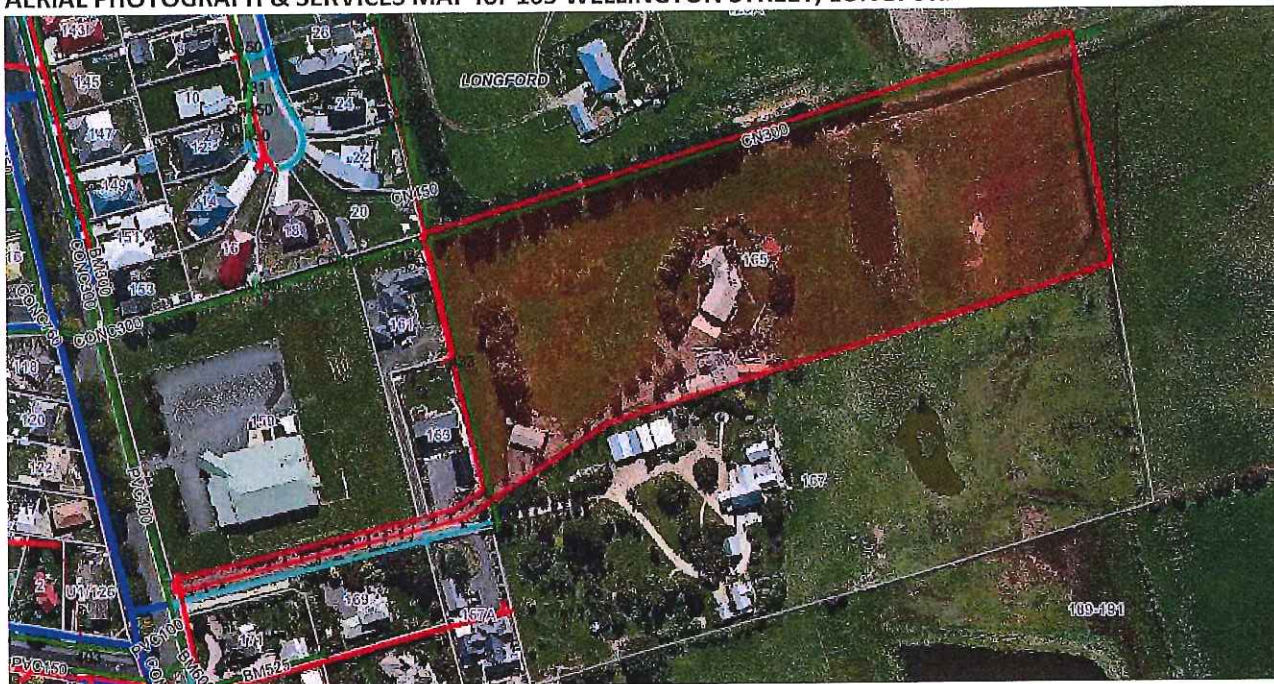
PLANNING APPLICATION PLN-18-0195

165 WELLINGTON STREET, LONGFORD

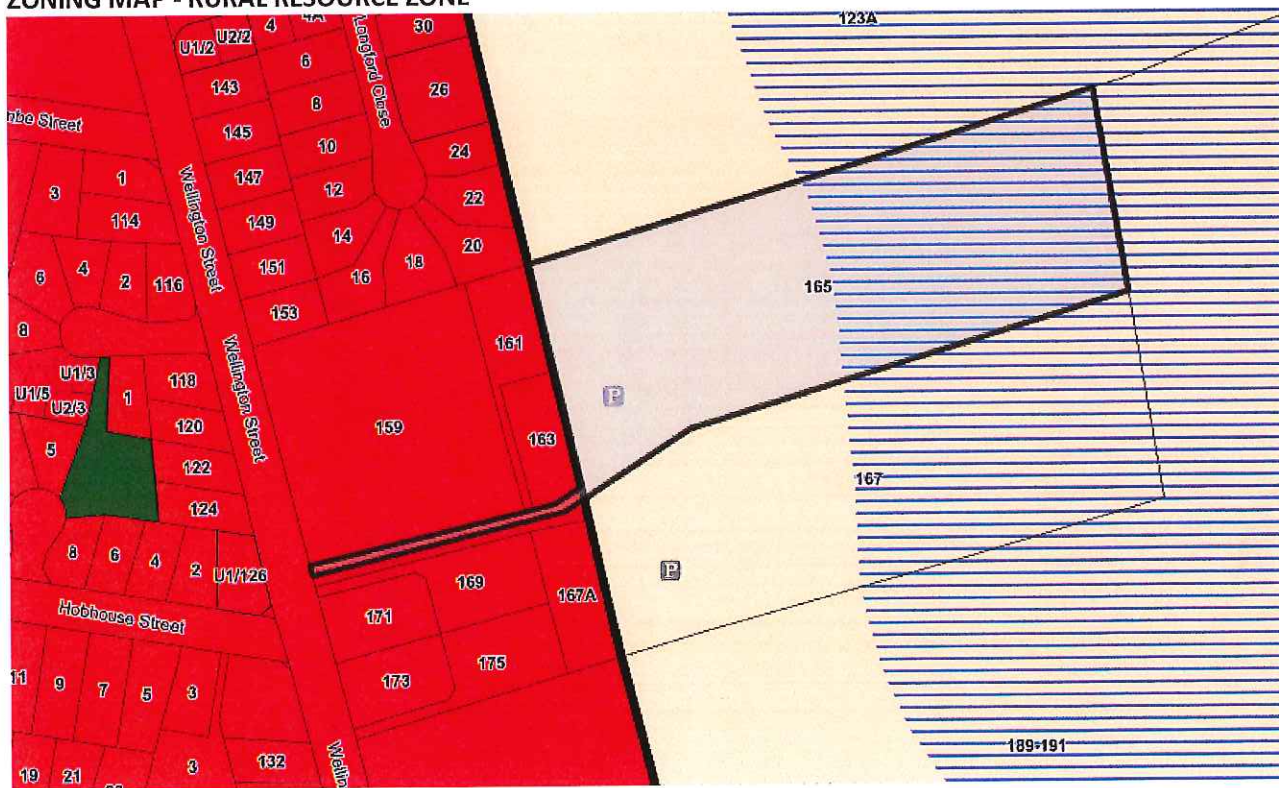
**ATTACHMENTS**

- A Application & plans
- B Representation
- C Planning Directive No.6

AERIAL PHOTOGRAPH & SERVICES MAP for 165 WELLINGTON STREET, LONGFORD



ZONING MAP - RURAL RESOURCE ZONE



EXHIBITED

1-234  
PLANNING APPLICATION  
Proposal

AMENDED  
22/8

Description of proposal: Visitor Accommodation - Construction of a holiday unit

.....  
.....  
.....  
.....  
.....

*(attach additional sheets if necessary)*

If applying for a subdivision which creates a new road, please supply three proposed names for the road, in order of preference: N/A

1..... 2..... 3.....

Site address: 165 Wellington Street, Longford

.....

CT no: 157129/4

Estimated cost of project \$ 200,000  
*(include cost of landscaping, car parks etc for commercial/industrial uses)*

Are there any existing buildings on this property? Yes / No  
If yes – main building is used as Residential (single dwelling)

If variation to Planning Scheme provisions requested, justification to be provided:

Refer to Planning Submission which accompanies the application

.....  
.....  
.....

*(attach additional sheets if necessary)*

Is any signage required? No  
*(if yes, provide details)*

**EXHIBITED**



Measured form and function

Project: **PROPOSED HOLIDAY UNIT**  
At: **165 WELLINGTON STREET  
LONGFORD**

For: **PAUL SMITH**

Project: **18.162**

Drawings:

- Ap01 Cover Sheet
- Ap02 SITE PLAN
- Ap03 PART SITE PLAN
- Ap04 PROPOSED FLOOR PLAN
- Ap05 ELEVATIONS
- Ap06 ELEVATIONS
- Ap07 3D REPRESENTATIONS

**DEVELOPMENT APPLICATION**

Issue date: 05-10-2018

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Management System  
 QMS

PLANNING DOCUMENT

NO.	DATE	DESCRIPTION	REV.
01	21.08.18	DEVELOPMENT APPLICATION	A
02	06.09.18	DEVELOPMENT APPLICATION	B

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PROJECT: PROPOSED HOLIDAY UNIT  
 # 165 WELLINGTON STREET  
 LONGFORD  
 PKA PAUL SMITH

OWNER: SITE PLAN

DESIGNER: CGB DRAWN: ECB INSPECTOR: CGB  
 SCALE: 1:1250 ALIAS: 6ty/18162  
 PROJECT: 18.162 DRAWING: Ap01 -



PL

SITE PLAN  
 SCALE 1:1250

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## PLANNING DOCUMENT

DATE	DESCRIPTION	BY
12/01/2018	PRELIMINARY APPROVAL	PSA
20/01/2018	REVISIONS TO PRELIMINARY APPROVAL	PSA
20/01/2018	REVISIONS TO PRELIMINARY APPROVAL	PSA
20/01/2018	REVISIONS TO PRELIMINARY APPROVAL	PSA

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PROJECT: PROPOSED HOLIDAY UNIT  
 # 165 WELLINGTON STREET  
 LONGFORD  
 PKL PAUL SMITH

### PART SITE PLAN

DRAWN: CGB  
 CHECKED: CGB  
 SCALE: 1:250  
 PROJECT NO: 18.162  
 DRAWING NO: Ap02



P3

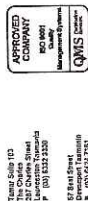
### PART SITE PLAN

SCALE 1:250



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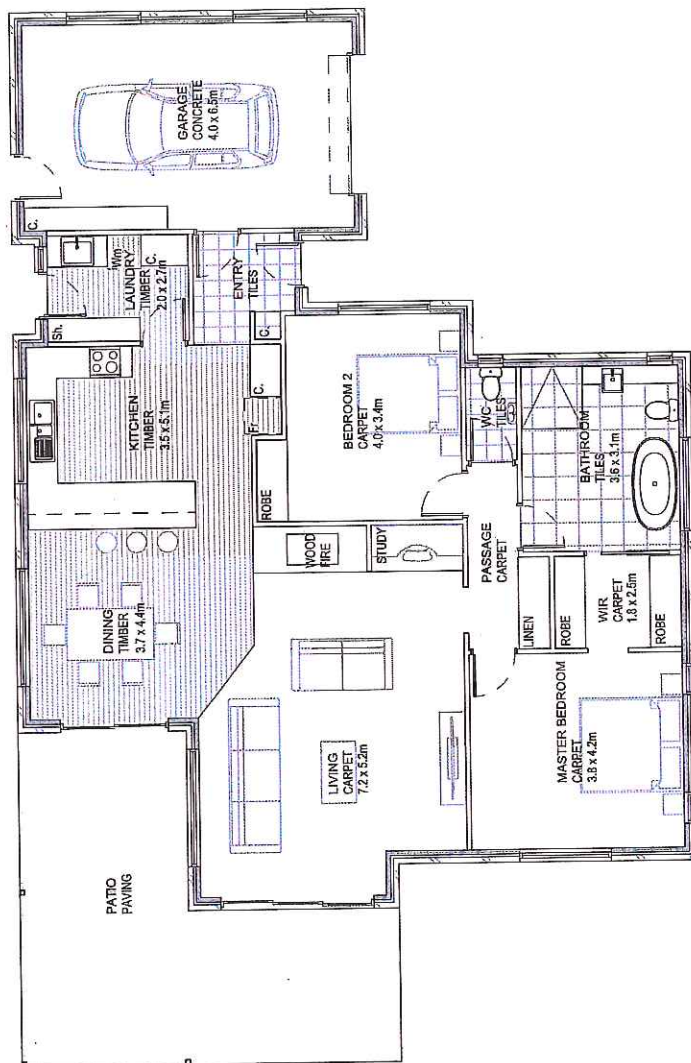
DATE	NO.	DESCRIPTION
18/03/18	1	DEVELOPMENT APPLICATION

PROPOSED HOLIDAY UNIT  
 165 WELLINGTON STREET  
 LONGFORD  
 PAUL SMITH

PROJECT NO: 18.162

PROPOSED FLOOR PLAN

SCALE: 1:100  
 DRAWING NO: Ap03



**FLOOR PLAN**  
 SCALE 1:100  
 FLOOR AREA: 174m<sup>2</sup>

pl4



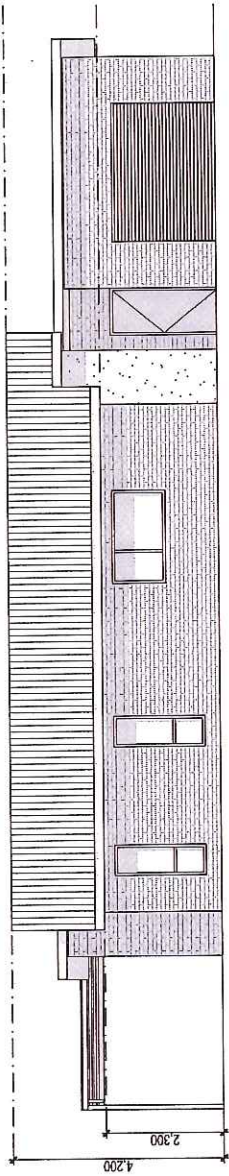
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Structural Civil  
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ABN 16 623 162 128



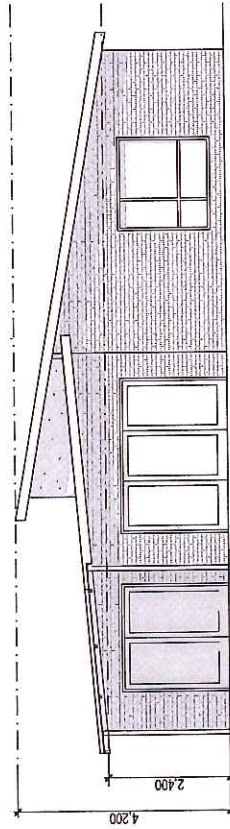
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**SOUTH ELEVATION**  
SCALE 1:100



**WEST ELEVATION**  
SCALE 1:100

**PLANNING DOCUMENT**

DATE	DESCRIPTION	BY
01/11/2018	PERMIT APPLICATION	PS

IN ACCORDANCE WITH THE BUILDING ACT 2016, THE ARCHITECTURAL SERVICES DIVISION OF THE TRENTHAM DISTRICT COUNCIL HAS REVIEWED THIS DOCUMENT AND FOUND IT TO BE IN ACCORDANCE WITH THE BUILDING ACT 2016, THE BUILDING REGULATIONS 2016 AND THE LOCAL AUTHORITY REQUIREMENTS.

PROJECT: **PROPOSED HOLIDAY UNIT**  
SITE: **165 WELLINGTON STREET**  
SUBJECT: **LONGFORD**  
OWNER: **PAUL SMITH**

**ELEVATIONS**

DESIGNER: CGB  
SCALE: 1:100  
PROJECT NO: 18.162

DATE: 01/11/2018  
DRAWING NO: Ap04

PS

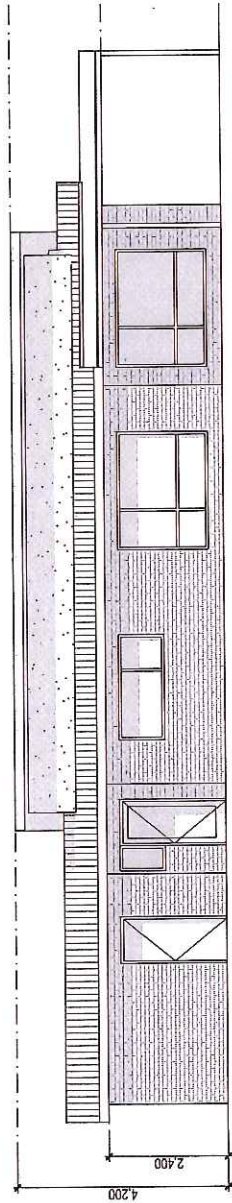




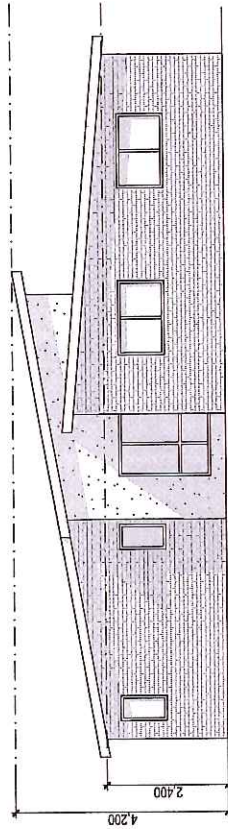
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**NORTH ELEVATION**  
 SCALE 1:100



**EAST ELEVATION**  
 SCALE 1:100

**PLANNING DOCUMENT**

NO.	REV.	DATE	DESCRIPTION	BY
01	1	24/06/18	ENVIRONMENT APPLICATION	

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PROJECT: PROPOSED HOLIDAY UNIT  
 AT: 165 WELLINGTON STREET  
 LONGFORD  
 ARCH: PAUL SMITH

**ELEVATIONS**

DESIGNER: CGB DRAWN: ECB CHECKED: CGB  
 SCALE: 1:100 DRAWING NUMBER: 18.162  
 PROJECT NO.: 18.162 DRAWING NO.: Ap05 -

16



6ty 2013  
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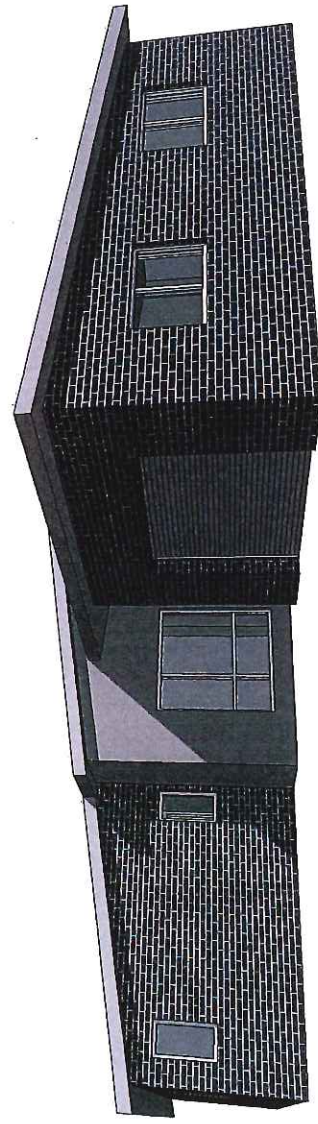
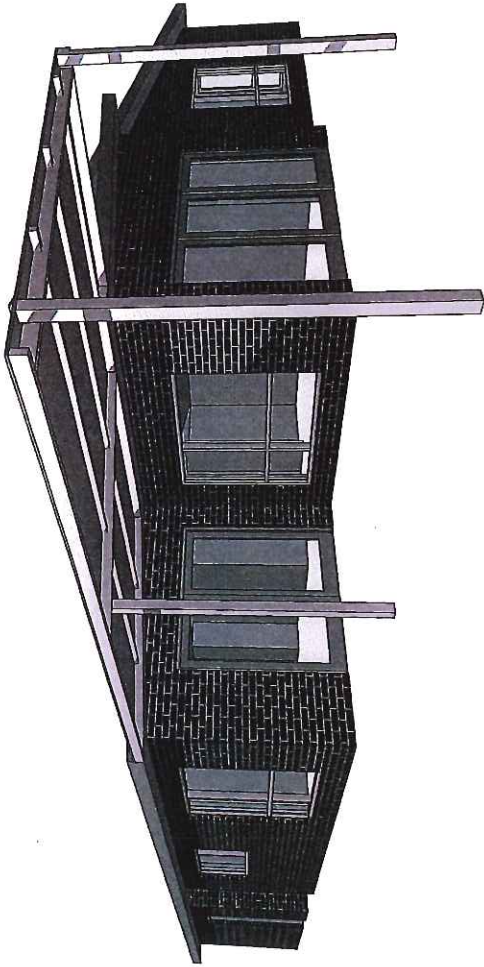
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PLANNING DOCUMENT

DATE	REVISION	DESCRIPTION
21.08.18	1	DEVELOPMENT APPLICATION



CONSTRUCTION MATERIALS, FINISHES, COLORS AND DIMENSIONS SHALL BE AS SHOWN IN THE ARCHITECTURAL DRAWINGS. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH THE CANADIAN NATIONAL BUILDING CODE AND ALL APPLICABLE LOCAL AUTHORITY REQUIREMENTS.

PROJECT: PROPOSED HOLIDAY UNIT  
 155 WELLINGTON STREET  
 LONGFORD  
 ARCHITECT: PAUL SMITH

DRAWING: 3D REPRESENTATIONS

DESIGNED BY: CGB  
 DRAWN BY: ECB  
 PROJECT: CGB  
 SCALE: 1:416.87, 1:357.14  
 #PAGES: 06/06  
 PROJECT NO.: 18.162  
 DRAWING NO.: Ap06

PT

AMENDED<sup>1-242</sup>



**Planning Submission**

**Visitor Accommodation – Holiday Unit**

**165 Wellington Street, Longford**

**Prepared for:**

**Northern Midlands Council**

**EXHIBITED**



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EXHIBITED

<b>Issue</b>	02
<b>Date</b>	22 August 2018
<b>Project Name</b>	Proposed Holiday Unit – 165 Wellington Street, Longford
<b>Project Number</b>	18.162
<b>Author</b>	Ashley Brook
<b>Document</b>	"I:\2018\18162\1 Administration\6 Authorities\2 Council\18.162 - Planning Submission.docx"

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EXHIBITED

**Appendix A**

Certificate of Title

**Appendix B**

Development Plans

EXHIBITED

## 1.0 Introduction

Planning approval is sought to construct a holiday unit at 165 Wellington Street, Longford (the subject site – refer to Image 1). This planning submission provides relevant details of the application and an assessment against the applicable provisions of the *Northern Midlands Interim Planning Scheme 2013* (the Scheme).



Image 1 – Aerial image of the subject site

### 1.1 Planning Overview

Element	Overview
Location	165 Wellington Street, Longford
Title Information	157129/4
Land Area	2.612 ha
Planning Instrument	<i>Northern Midlands Interim Planning Scheme 2013</i>
Proposed Use	Visitor Accommodation – holiday unit
Proposed Development	Construction of a building
Zone(s)	26.0 - Rural Resource
Applicable Code(s)	E4.0 – Road and Railway Assets Code E6.0 – Car Parking and Sustainable Transport Code
Status of Application	Discretionary

EXHIBITED

## 1.2 Proposed Use and Development

The application seeks approval to construct a building that will be used as a holiday unit.

The proposed holiday unit will be located in the south-west corner of the site, adjacent to an existing outbuilding associated with the property. It will be setback 10.3 m from the western side boundary, which adjoins land within the General Residential zone.

The holiday unit will have a floor area of 174 m<sup>2</sup>. It will include 2 bedrooms and a single car garage. It will be contained within a single-storey building with a maximum height of 4.2 m. The building will be constructed with external brick walls and metal roof cladding.

The proposed use and development will utilise the existing vehicular access and driveway associated with the site. The driveway will be extended to provide access to the single garage within the proposed holiday unit.

No signage is included in the current application.

## 2.0 Location

### 2.1 Subject Site

The subject site at 165 Wellington Street, Longford is a single 2.612 ha lot. It includes an access strip which has a length of approximately 133 m and provides a 5 m frontage to Wellington Street. The main body of the site is generally rectangular in shape. It contains an existing single dwelling located near the centre and a small dam further to the east.

### 2.2 Description of the Surrounding Area

The surrounding area to the west is generally residential in character. The land which adjoins the site to the west includes 2 properties within the General Residential zone that contain existing dwellings. The Longford Baptist Church is located further to the west, and has a direct frontage to Wellington Street.

The outward extent of the General Residential zoning within the eastern part of Longford aligns with the western boundary of the main body of the site. The access strip associated with the site is within the General Residential zone. The zone boundary does not align with lot boundaries in all instances. It extends through the front portion of 2 adjacent properties located to the south of the site (189-191 and 205 Wellington Street).

Several existing dwellings are located within Rural Resource zoned land located directly to the east of the boundary with the General Residential zone.

The land to the east of the site includes agricultural land that extends 600-750 m further to the east and adjoins the Macquarie River.

The surrounding area is illustrated in Figure 2 below.

**EXHIBITED**



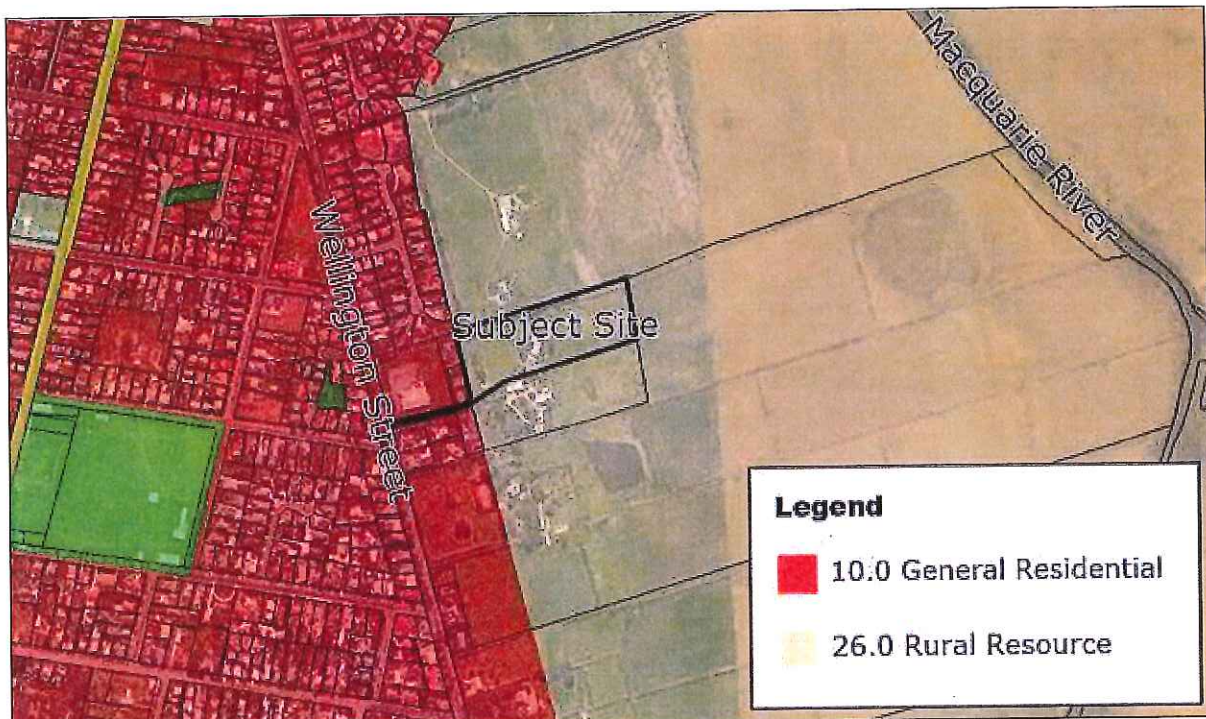


Image 2 – Aerial image of the subject site and surrounding area

### 2.3 Land Capability

The site is identified as Class 4 land according to available 1:100,000 scale land capability mapping.

### 2.4 Natural Values and Hazards

The site comprises land that has mostly been cleared of native vegetation as part of urban development.

The grassland within the site and on adjoining land constitutes bushfire-prone vegetation for the purposes of the definition in the Scheme. The proposed use and development does not include a subdivision, vulnerable use or hazardous use and the provision of suitable bushfire protection will therefore be determined at a building approval stage.

The land to the east of the existing single dwelling within the site is mapped as being subject to a flood risk on the Scheme overlay maps. The proposed use and development will not be undertaken within this area.

### 2.5 Site Servicing

Drainage easements containing sewer and stormwater infrastructure are located along the western and part of the northern boundary of the site. The site is serviced by the reticulated water supply system administered by TasWater.

EXHIBITED

## 2.6 Site Access

An existing driveway is located partly within the access strip that forms part of the site. It extends into the 5 m wide access strip which forms part of the adjoining lot to the south at 167 Wellington Street (CT 157129/5).

In a practical sense, the driveway is used on a shared basis. Portions of the access strips associated with the subject site and 167 Wellington Street are subject to rights of way which provide a legal means of access for the properties at 161 Wellington Street (CT 157129/3), 163 Wellington Street (CT 157129/2) and 167A Wellington Street (CT 157129/1).

It is understood that Council has previously required access to the shared driveway to be over the crossover associated with the subject site. Egress is required to be over the crossover associated with 167 Wellington Street. Therefore, to accord with this requirement, users associated with the proposed holiday unit will need to exit the subject site by using the southern side of the shared driveway within 167 Wellington Street. The property at 167 Wellington Street is therefore included in the application.

## 3.0 Planning Assessment

The following assessment addresses the applicable zone and code provisions and identifies whether the relevant acceptable solutions are satisfied. The relevant performance criteria are addressed in Section 4.

### 3.1 Planning Directive 6 (Visitor Accommodation)

It is relevant to address the provisions of Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes.

The Planning Directive provides a description for the Visitor Accommodation use class, which is as follows:

*use of land for providing short or medium term accommodation, for persons away from their normal place of residence, on a commercial basis or otherwise available to the general public at no cost. Examples include a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential hotel and serviced apartment.*

The exemptions in the Planning Directive do not apply because the proposed use will not be located within an existing dwelling.

The other provisions in the Planning Directive do not apply because the site is not zoned General Residential, Inner Residential, Low Density Residential, Rural Living, Environmental Living or Village.

EXHIBITED

### 3.2 Rural Resource Zone

Visitor Accommodation is identified as a Discretionary use class in the Rural Resource zone. The following provides an assessment of the proposed use and development against the applicable solution standards in the zone and code provisions. Where compliance with an acceptable solution is unable to be achieved, the associated performance criteria is addressed in Section 4.0.

26.3 Use Standards			
Standard	Requirement/s	Assessment	Compliance
26.3.1 Discretionary Uses if not a single dwelling			
A1-A4	If for permitted or no permit required uses.	The application is for a discretionary use.  In relation to A2, the application does not involve prime agricultural land.	Relies on performance criteria P1.1, P3 and P4.  P2 does not apply.
A5	If for a permitted or no permit required use, of located in an existing building.	The application is for a discretionary use that will not be located within an existing building.	Relies on performance criteria.

26.4 Development Standards			
Standard	Requirement/s	Assessment	Compliance
26.4.1 Building Location and Appearance			
A1	Building height is not to exceed 8 m for dwellings or 12 m for other purposes.	The proposed building will have a maximum height of 4.2 m.	Complies with acceptable solution.
A2	Buildings for sensitive uses are to have a minimum setback.	The proposed building will be setback 10.3 m from the western boundary, 55 m from the northern boundary and 25 m from the southern boundary of the site.	Relies on performance criteria.

### 3.3 Bushfire-Prone Areas Code

The application does not involve a subdivision, vulnerable use or hazardous use as defined in the Code. The standards in the Code therefore do not apply.

EXHIBITED

### 3.4 Road and Railway Assets Code

<b>E4.6 Use Standards</b>			
<b>Standard</b>	<b>Requirement/s</b>	<b>Assessment</b>	<b>Compliance</b>
<b>E4.6.1 Use and Road or Rail Infrastructure</b>			
A2	For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day.	The application involves a single holiday unit which is expected to generate significantly less than 40 vehicle entry and exit movements per day.	Complies with acceptable solution.

<b>E4.7 Development Standards</b>			
<b>Standard</b>	<b>Requirement/s</b>	<b>Assessment</b>	<b>Compliance</b>
<b>E4.7.2 Management of Road Accesses and Junctions</b>			
A2	No more than one access providing both entry and exit, or two accesses providing separate entry and exit.	The existing access, which provides both entry and exit, will be retained.	Complies with acceptable solution.
<b>E4.7.4 Sight distance at accesses, junctions and level crossings</b>			
A2	Sight distances at an access or junction must comply with the Safe Intersection Sight Distance (SISD) shown in Table E4.7.4.	The existing property access to be retained complies with the relevant SISD requirements.	Complies with acceptable solution.

### 3.5 Flood Prone Areas Code

The proposed use and development will not be undertaken on the land mapped as being subject to a flood risk on the Scheme overlay maps. The standards in the Code therefore do not apply.

**EXHIBITED**

### 3.6 Car Parking and Sustainable Transport Code

<b>E6.6 Use Standards</b>			
<b>Standard</b>	<b>Requirement/s</b>	<b>Assessment</b>	<b>Compliance</b>
<b>E6.6.1 Car Parking Numbers</b>			
A1	The number of car parking spaces is not to be less than the requirements of Table E6.1.	Table E6.1 requires the proposed use to provide 1 car parking space, which will be provided in the single garage that forms part of the proposed building.	Complies with acceptable solution
<b>E6.6.2 Bicycle Parking Numbers</b>			
A1	The number of bicycle parking spaces on site or within 50 m of the site is not to be less than the requirements of Table E6.1.	Table E6.1 requires the proposed use to provide 1 bicycle parking space per 10 beds. Note 3 to the table requires fractions of a space to be rounded to the nearest whole number. The relevant requirement is therefore 0. It is noted that bicycles will be able to be stored securely within the holiday unit.	Complies with acceptable solution
<b>E6.6.3 Taxi Drop-off and Pickup</b>			
A1	One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof.	The proposed use requires less than 50 car spaces. Taxis will be able to park within the driveway adjacent to the holiday unit on a short-term basis.	Not applicable.
<b>E6.6.4 Motorbike Parking Provisions</b>			
A1	One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.	The proposed use requires less than 20 car spaces. Motorbikes will be able to park within the garage or driveway adjacent to the holiday unit.	Not applicable.

EXHIBITED

<b>E6.7 Development Standards</b>			
<b>Standard</b>	<b>Requirement/s</b>	<b>Assessment</b>	<b>Compliance</b>
<b>E6.7.1 Construction of Car Parking Spaces and Access Strips</b>			
A1	All car parking, access strips manoeuvring and circulation spaces must be formed to an adequate level and drained; provided with an impervious all weather seal; and line marked or provided with other clear delineation.	The required car parking space will be provided within the single garage that forms part of the proposed building. It will therefore have an all weather surface and will be easily identifiable. The driveway extension is not intended to be sealed.	Relies on performance criteria.
<b>E6.7.2 Design and Layout of Car Parking</b>			
A2.1-A2.2	Car parking and manoeuvring space must have a gradient of 10% or less; provide for vehicles to enter and exiting the site in a forward direction; have a width of vehicular access no less than prescribed in Tables E6.2 and E6.3; designed in accordance with Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking.	The site has a gradient less than 10%. The driveway extension will have an access width of 3 m in accordance with Table E6.2. A turning area will be provided adjacent to the garage roller door with sufficient dimensions in accordance with Table E6.4 The access, manoeuvring and parking areas will enable vehicles to enter and exit the site in a forward direction and will be provided in accordance with the relevant Australian Standard.	Complies with acceptable solution.

EXHIBITED

## 4.0 Discretionary Matters

The application involves a use and development that is identified as discretionary in the Rural Resource zone. It also relies on an assessment against several performance criteria in the zone provisions. The Zone Purpose and relevant performance criteria are addressed below.

### 4.1 Clause 26.1 Rural Resource Zone Purpose

#### 26.1.1 Zone Purpose Statements

- 26.1.1.1 To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.
- 26.1.1.2 To provide for other use or development that does not constrain or conflict with resource development uses.
- 26.1.1.3 To provide for economic development that is compatible with primary industry, environmental and landscape values.
- 26.1.1.4 To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.

#### Assessment

The subject site is an existing residential property which shares a boundary with the General Residential zone in Longford. Existing dwellings are also located on the adjoining Rural Resource zoned lots to the north and south of the site. Its use for the development of resources including agriculture is therefore already significantly constrained.

The proposed use and development will be located in the south-west corner of the site, adjacent to the General Residential zone boundary. The sustainable use and development of rural land therefore will not be compromised by the application.

The application is therefore consistent with the Zone Purpose Statements.

#### 26.1.2 Local Area Objectives

##### a) Primary Industries

Resources for primary industries make a significant contribution to the rural economy and primary industry uses are to be protected for long-term sustainability.

The prime and non-prime agricultural land resource provides for variable and diverse agricultural and primary industry production which will be protected through individual consideration of the local context.

Processing and services can augment the productivity of primary industries in a locality and are supported where they are related to primary industry uses and the long-term sustainability of the resource is not unduly compromised.

**EXHIBITED**

**26.1.2 Local Area Objectives****b) Tourism**

Tourism is an important contributor to the rural economy and can make a significant contribution to the value adding of primary industries through visitor facilities and the downstream processing of produce. The continued enhancement of tourism facilities with a relationship to primary production is supported where the long-term sustainability of the resource is not unduly compromised.

The rural zone provides for important regional and local tourist routes and destinations such as through the promotion of environmental features and values, cultural heritage and landscape. The continued enhancement of tourism facilities that capitalise on these attributes is supported where the long-term sustainability of primary industry resources is not unduly compromised.

**(c) Rural Communities**

Services to the rural locality through provision for home-based business can enhance the sustainability of rural communities. Professional and other business services that meet the needs of rural populations are supported where they accompany a residential or other established use and are located appropriately in relation to settlement activity centres and surrounding primary industries such that the integrity of the activity centre is not undermined and primary industries are not unreasonably confined or restrained.

**Assessment**

The application will not compromise the sustainable use and development of land within the planning area for primary industries. The site is used and developed for residential purposes, adjoins the General Residential zone and is surrounded on 3 sides by existing dwellings. Its suitability for primary industry is therefore already significantly constrained.

The proposed Visitor Accommodation use will contribute to the available tourist facilities within the planning area. It will be located within Longford and will also contribute to the range of available facilities within the activity centre. The proposed use will be sited in a location which does not confine or restrain the operation of primary industry.

The application is therefore consistent with the Local Area Objectives.

**26.1.3 Desired Future Character Statements**

The visual impacts of use and development within the rural landscape are to be minimised such that the effect is not obtrusive.

**Assessment**

The proposed holiday unit will be similar in appearance to a traditional single storey dwelling. It will be surrounded by existing dwellings on the edge of the Longford settlement. Therefore, it will not be obtrusive in the rural landscape.

The application is therefore consistent with the Desired Future Character Statement.



## 4.2 Clause 26.3.1 Discretionary Uses if not a single dwelling – Objective

### 26.3.1 Discretionary Uses if not a single dwelling

#### Objective:

- a) To provide for an appropriate mix of uses that support the Local Area Objectives and the location of discretionary uses in the rural resources zone does not unnecessarily compromise the consolidation of commercial and industrial uses to identified nodes of settlement or purpose built precincts.
- b) To protect the long term productive capacity of prime agricultural land by minimising conversion of the land to non-agricultural uses or uses not dependent on the soil as a growth medium, unless an overriding benefit to the region can be demonstrated.
- c) To minimise the conversion of non-prime land to a non-primary industry use except where that land cannot be practically utilised for primary industry purposes.
- d) Uses are located such that they do not unreasonably confine or restrain the operation of primary industry uses.
- e) Uses are suitable within the context of the locality and do not create an unreasonable adverse impact on existing sensitive uses or local infrastructure.
- f) The visual impacts of use are appropriately managed to integrate with the surrounding rural landscape.

#### Assessment

The proposed use is supportive of the Local Area Objective relevant to Tourism. It involves a single holiday unit on an existing residential property. It therefore will not compromise the consolidation of commercial and industrial uses within specified areas.

The land identified in the application is not prime-agricultural land. Its suitability for primary industry is already significantly constrained, and it therefore cannot be practically used for this purpose. Given its location within the south-west corner of the site, it will not confine or restrain the operation of primary industry uses located to the east.

Given the nature and scale of the proposed holiday unit, it is unlikely to have an adverse impact on sensitive uses or local infrastructure. Its appearance will be compatible with the surrounding area and will not have an adverse impact on the rural landscape.

The application is therefore consistent with the Local Area Objectives.

EXHIBITED

#### 4.3 Clause 26.3.1 Discretionary Uses if not a single dwelling – Performance Criteria P1.1

26.3.1 Discretionary Uses if not a single dwelling	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>If for permitted or no permit required uses.</p>	<p><b>P1.1</b></p> <p>It must be demonstrated that the use is consistent with local area objectives for the provision of nonprimary industry uses in the zone, if applicable; and</p> <p><b>P1.2</b></p> <p>Business and professional services and general retail and hire must not exceed a combined gross floor area of 250m<sup>2</sup> over the site.</p>

#### Response

The application is for a discretionary use.

#### Performance Criteria Assessment

In relation to P1.1, refer to the assessment of the Local Area Objectives in Section 4.1.

The application does not involve a business and professional services use or a general retail and hire use, and P1.2 therefore does not apply.

The application complies with the performance criteria.

#### 4.4 Clause 26.3.1 Discretionary Uses if not a single dwelling – Performance Criteria P3

26.3.1 Discretionary Uses if not a single dwelling	
Acceptable Solutions	Performance Criteria
<p><b>A3</b></p> <p>If for permitted or no permit required uses.</p>	<p><b>P3</b></p> <p>The conversion of non-prime agricultural to nonagricultural use must demonstrate that:</p> <p>a) the amount of land converted is minimised having regard to:</p> <p>i) existing use and development on the land; and</p>

EXHIBITED

	<ul style="list-style-type: none"> <li>ii) surrounding use and development; and</li> <li>iii) topographical constraints; or</li> </ul> <p>b) the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, due to factors such as:</p> <ul style="list-style-type: none"> <li>i) limitations created by any existing use and/or development surrounding the site; and</li> <li>ii) topographical features; and</li> <li>iii) poor capability of the land for primary industry; or</li> </ul> <p>c) the location of the use on the site is reasonably required for operational efficiency.</p>
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**Response**

The application is for a discretionary use.

**Performance Criteria Assessment**

The subject site is an existing 2.612 ha lot which is used for residential purposes. It shares a boundary with the General Residential zone in Longford, and other existing dwellings are located on the adjoining Rural Resource zoned lots to the north and south of the site. The land that will contain the proposed use and development is located in the south-west corner of the site, directly adjacent to the boundary with the General Residential zone. The site is therefore practically incapable of supporting an agricultural use, or being included with other land for agricultural or other primary use, given the constraints imposed by these site characteristics.

The application complies with the performance criteria P3 (b).

**EXHIBITED**

#### 4.5 Clause 26.3.1 Discretionary Uses if not a single dwelling – Performance Criteria P4

26.3.1 Discretionary Uses if not a single dwelling	
Acceptable Solutions	Performance Criteria
<p><b>A4</b></p> <p>If for permitted or no permit required uses.</p>	<p><b>P4</b></p> <p>It must be demonstrated that:</p> <ul style="list-style-type: none"> <li>a) emissions are not likely to cause an environmental nuisance; and</li> <li>b) primary industry uses will not be unreasonably confined or restrained from conducting normal operations; and</li> <li>c) the capacity of the local road network can accommodate the traffic generated by the use.</li> </ul>

#### Response

The application is for a discretionary use.

#### Performance Criteria Assessment

The application involves a single holiday unit. Given the nature of the proposed use, it is unlikely to generate emissions with the potential to cause an environmental nuisance.

Agricultural land is located to the north and east of the site. The adjoining property to the north includes 2 dwellings located within the south-west corner of that lot. These dwellings are also located adjacent to the boundary with the General Residential zone. The suitability of using the land in the south-west corner of the property for primary industry therefore would be constrained. The areas within the property that are more suitable for primary industry are at least 200 m from the location of the proposed use and development in the south-west corner of the subject site. Similarly, the proposed use and development will be located at least 200 m from the adjoining agricultural land to the east of the site. The proposed use and development is therefore unlikely to confine or restrain these primary industry uses.

The proposed use will generate significantly less than 40 vehicle entry and exit movements per day. The traffic generation associated with the proposal will be well within the capacity of the local road network.

The application complies with the performance criteria.

**EXHIBITED**

#### 4.6 Clause 26.3.1 Discretionary Uses if not a single dwelling – Performance Criteria P5

26.3.1 Discretionary Uses if not a single dwelling	
Acceptable Solutions	Performance Criteria
<p><b>A5</b></p> <p>The use must:</p> <p>a) be permitted or no permit required; or</p> <p>b) be located in an existing building.</p>	<p><b>P5</b></p> <p>It must be demonstrated that:</p> <p>a) the impacts on skylines and ridgelines; and</p> <p>b) visibility from public roads; and</p> <p>c) the visual impacts of storage of materials or equipment; and</p> <p>d) the visual impacts of vegetation clearance or retention; and</p> <p>e) the desired future character statements.</p>

#### Response

The application is for a discretionary use that will not be located within an existing building.

#### Performance Criteria Assessment

The proposed holiday unit will not be located in the skyline or on a ridgeline. It will be located on an internal lot lying behind existing properties that are developed with buildings. The development, including associated vegetation removal, will therefore have limited visual impact from Wellington Street and other public roads. Given the nature of the proposed use, it will not involve the external storage of materials or equipment. The Desired Future Character Statements have been addressed in Section 4.1.

The application complies with the performance criteria.

**EXHIBITED**

#### 4.7 Clause 26.4.1 Building Location and Appearance – Performance Criteria P2

26.3.1 Building Location and Appearance	
Acceptable Solutions	Performance Criteria
<p><b>A2</b></p> <p>Buildings must be set back a minimum of:</p> <ul style="list-style-type: none"> <li>a) 50m where a non-sensitive use or extension to existing sensitive use buildings is proposed; or</li> <li>b) 200m where a sensitive use is proposed; or</li> <li>c) the same as existing for replacement of an existing dwelling.</li> </ul>	<p><b>P2</b></p> <p>Buildings must be setback so that the use is not likely to constrain adjoining primary industry operations having regard to:</p> <ul style="list-style-type: none"> <li>a) the topography of the land; and</li> <li>b) buffers created by natural or other features; and</li> <li>c) the location of development on adjoining lots; and</li> <li>d) the nature of existing and potential adjoining uses; and</li> <li>e) the ability to accommodate a lesser setback to the road having regard to: <ul style="list-style-type: none"> <li>i) the design of the development and landscaping; and</li> <li>ii) the potential for future upgrading of the road; and</li> <li>iii) potential traffic safety hazards; and</li> <li>iv) appropriate noise attenuation.</li> </ul> </li> </ul>

#### Response

The proposed building will be setback 10.3 m from the western boundary, 55 m from the northern boundary and 25 m from the southern boundary of the site.

#### Performance Criteria Assessment

The adjoining properties to the west and south do not contain primary industry uses. The adjoining property to the north includes 2 dwellings located within the south-west corner of that lot. These dwellings are located adjacent to the boundary with the General Residential zone. The suitability of using the land in the south-west corner of the property for primary industry therefore would be constrained. The areas within the property that are more suitable for primary industry are located further to the north-east. The proposed use and development will have adequate separate from these areas. Therefore, it is therefore unlikely to confine or restrain these primary industry operations on the adjoining property to the north.

The application complies with the performance criteria.

EXHIBITED

#### 4.8 Clause E6.7.1 Construction of Car Parking Space and Access Strips – Performance Criteria P1

26.3.1 Construction of Car Parking Space and Access Strips	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>All car parking, access strips manoeuvring and circulation spaces must be:</p> <ul style="list-style-type: none"> <li>a) formed to an adequate level and drained; and</li> <li>b) except for a single dwelling, provided with an impervious all weather seal; and</li> <li>c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.</li> </ul>	<p><b>P1</b></p> <p>All car parking, access strips, manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are usable in all weather conditions.</p>

#### Response

The driveway extension is not intended to be sealed.

#### Performance Criteria Assessment

The driveway extension will be constructed with an appropriate surface to ensure that it will be usable in all weather conditions, having regard to the nature of the proposed use and development.

The application complies with the performance criteria.

EXHIBITED

## 5.0 Conclusion

The proposed development involves the construction of a holiday unit at 165 Wellington Street, Longford.

The proposed use and development complies with the applicable Scheme standards in the Rural Resource zone and relevant code provisions, including the following performance criteria:

- Clause 26.3.1 Discretionary Uses if not a single dwelling –
  - Performance Criteria P1.1
  - Performance Criteria P3
  - Performance Criteria P4
  - Performance Criteria P5
- Clause 26.4.1 Building Location and Appearance – Performance Criteria P3
- Clause E6.7.1 Construction of Car Parking Spaces and Access Strips – Performance Criteria P1

It is therefore submitted that a discretionary permit can be issued for the use and proposed development in accordance with Section 57 of the *Land Use Planning and Approvals Act 1993*.

EXHIBITED



**Appendix A**  
Certificate of Title

EXHIBITED

SEARCH OF TORRENS TITLE

VOLUME 157129	FOLIO 4
EDITION 3	DATE OF ISSUE 07-Mar-2016

SEARCH DATE : 19-Jun-2018

SEARCH TIME : 08.21 AM

DESCRIPTION OF LAND

Town of LONGFORD  
 Lot 4 on Sealed Plan 157129  
 Derivation : Part of 60A-0R-0P Located to Robert Beams  
 Prior CT 129525/2

SCHEDULE 1

B859553 & C49586 TRANSFER to PAUL RICHARD SMITH and  
 JULIE-ANNE SMITH

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
 SP157129 EASEMENTS in Schedule of Easements  
 SP157129 FENCING COVENANT in Schedule of Easements  
 SP119842 FENCING COVENANT in Schedule of Easements  
 C924610 AGREEMENT pursuant to Section 71 of the Land Use  
 Planning and Approvals Act 1993 Registered  
 20-Jul-2009 at noon  
 M546972 MORTGAGE to MyState Bank Limited Registered  
 07-Mar-2016 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

EXHIBITED

SEARCH OF TORRENS TITLE

VOLUME 157129	FOLIO 5
EDITION 4	DATE OF ISSUE 20-Jan-2012

SEARCH DATE : 21-Aug-2018

SEARCH TIME : 10.07 PM

DESCRIPTION OF LAND

Town of LONGFORD  
 Lot 5 on Sealed Plan 157129  
 Derivation : Part of 60A-0R-0P Located to Robert Beams  
 Prior CT 129525/3

SCHEDULE 1

M356739 TRANSFER to DENNIS TASMAN HOWARD and ANDREA JANE  
 HOWARD Registered 20-Jan-2012 at 12.01 PM

SCHEDULE 2

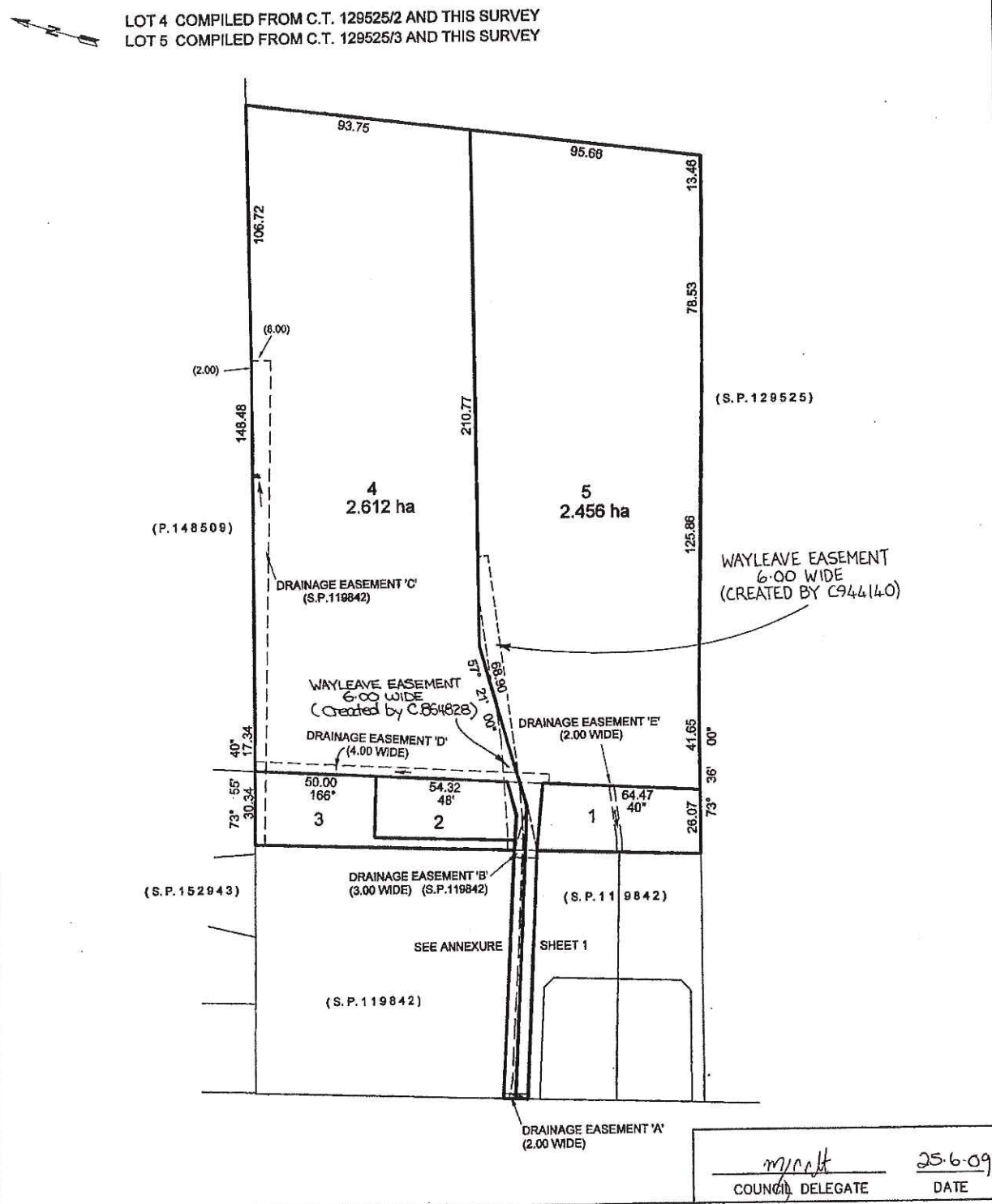
Reservations and conditions in the Crown Grant if any  
 SP157129 EASEMENTS in Schedule of Easements  
 SP157129 FENCING COVENANT in Schedule of Easements  
 SP119842 FENCING COVENANT in Schedule of Easements  
 C944140 BURDENING WAYLEAVE EASEMENT with the benefit of a  
 restriction as to user of land in favour of Aurora  
 Energy Pty Ltd over the Wayleave Easement 6.00 wide  
 on Sealed Plan 157129 Registered 03-Feb-2010 at noon  
 924610 AGREEMENT pursuant to Section 71 of the Land Use  
 Planning and Approvals Act 1993 Registered  
 20-Jul-2009 at noon

UNREGISTERED DEALINGS AND NOTATIONS


No unregistered dealings or other notations

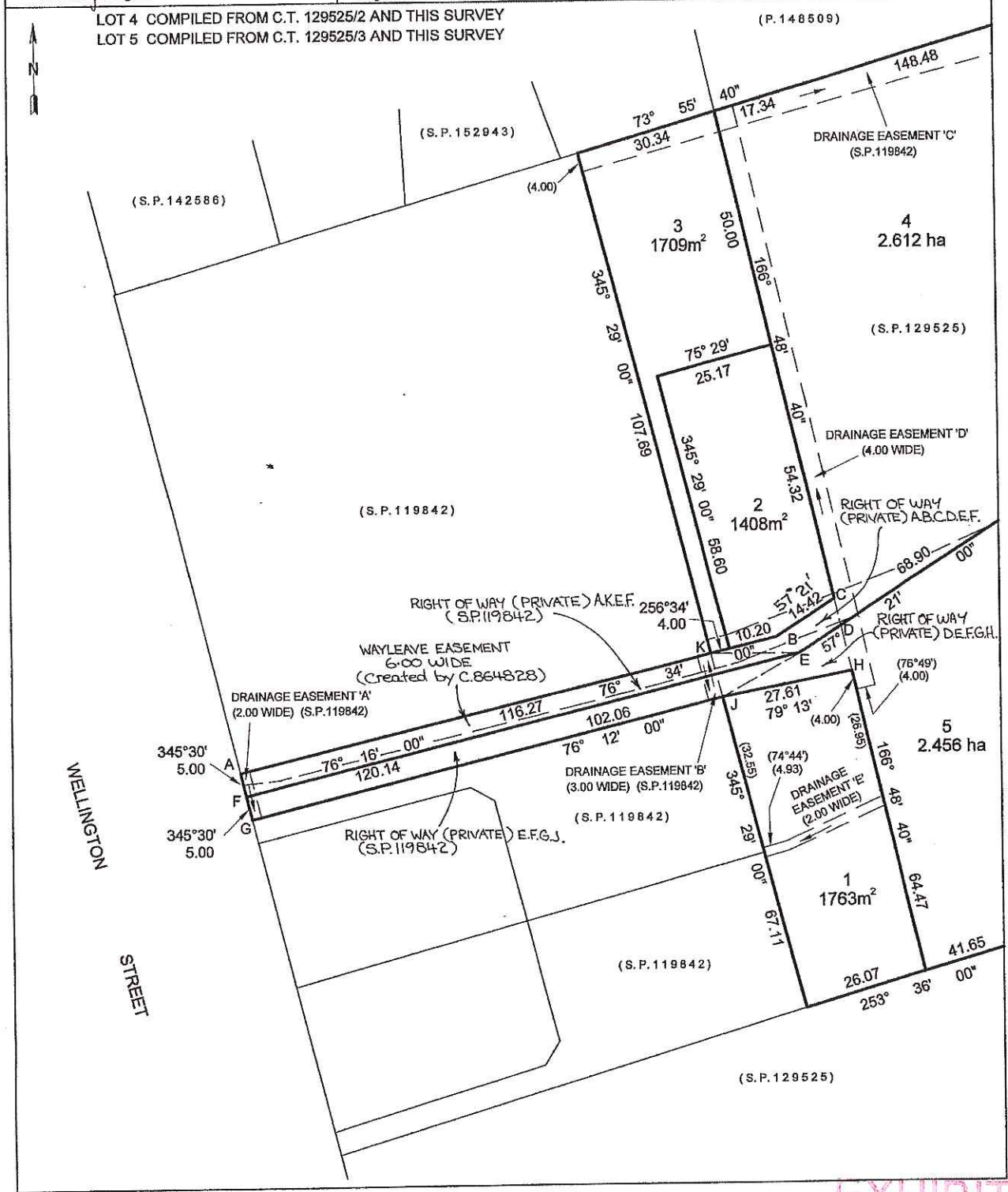
EXHIBITED

OWNER: JULIE-ANNE SMITH PAUL RICHARD SMITH KIM LOUISE SHELTON MICHAEL DOUGLAS SHELTON  FOLIO REFERENCE: C.T.129525/2 C.T.129525/3  GRANTEE: WHOLE OF 40° 2' 0" AND PART OF <del>39° 2' 0" OTD TO EDWARD ARCHER</del> AND PART OF 60° 0' 0" LOC. TO ROBERT BEAMS		<b>PLAN OF SURVEY</b> <b>WOOLCOTT SURVEYS</b>  BY SURVEYOR: BRETT RICHARD WOOLCOTT  LOCATION: TOWN OF LONGFORD  SCALE 1: 1500 LENGTHS IN METRES	REGISTERED NUMBER <b>SP157129</b>  APPROVED EFFECTIVE FROM 20 JUL 2009 <i>Alice Kawa</i> Recorder of Titles
MAPSHEET MUNICIPAL CODE No 123 (5039-33,43)	LAST FRG 73 UPI No FRG 74	LAST PLAN No S.P.129525	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN



EXHIBITED

 <p><b>PLAN OF SURVEY ANNEXURE SHEET</b> WOOLCOTT SURVEYS</p> <p>SHEET 1 OF 1 SHEETS</p>	OWNER: JULIE-ANNE SMITH PAUL RICHARD SMITH KIM LOUISE SHELTON MICHAEL DOUGLAS SHELTON	Registered Number <p><b>SP157129</b></p>
	FOLIO REFERENCE: C.T.129525/2 C.T.129525/3	SCALE 1:750      LENGTH IN METRES
SIGNED FOR IDENTIFICATION PURPOSES Council/Delegate: _____ Date: _____	THIS ANNEXURE SHEET FORMS PART OF THE ATTACHED INDEX PLAN. THE SURVEYORS CERTIFICATE EXTENDS TO THE DETAILS ON THIS SHEET Registered Land Surveyor: <u>J Woolcott</u> Date: <u>08/05/2009</u>	APPROVED EFFECTIVE FROM 20 JUL 2009 Alice Kawa Recorder of Titles



EXHIBITED

<b>SCHEDULE OF EASEMENTS</b>	Registered Number <b>SP 157 129</b>
<b>NOTE:</b> THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	

PAGE 1 OF 7 PAGE/S

**EASEMENTS AND PROFITS**

Each lot on the plan is together with:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits a prendre described hereunder.

Each lot on the plan is subject to:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits a prendre described hereunder.

The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

Lots 2, 3 & 4 on the plan are each subject to an electricity infrastructure easement with the benefit of a restriction as to user of land in favour of Aurora Energy Pty Ltd over the Wayleave

**EASEMENTS**

Easement 6.00 wide on the plan created by and more fully set forth in C864828.

Lot 1 on the plan is SUBJECT TO a right of drainage (appurtenant to the Lot 5) over the "DRAINAGE EASEMENT 'E' 2.00 WIDE" on the plan.

Lot 4 on the plan is SUBJECT TO a right of carriageway (appurtenant to Lots 2 & 3) over the "RIGHT OF WAY (PRIVATE) MARKED A.B.C.D.E.F." on the plan. Subject to the maintenance conditions as set forth below

Lot 4 on the plan is SUBJECT TO a right of carriageway (appurtenant to lot 3 on Sealed Plan No. 119842) over the "RIGHT OF WAY (PRIVATE) MARKED A.K.E.F." on the plan.

Lot 4 on the plan is SUBJECT TO a right of drainage for the Northern Midlands Council over the "DRAINAGE EASEMENT 'A' (2.00 WIDE) MARKED A.F." on the plan.

Lot 4 on the plan is SUBJECT TO a right of drainage (appurtenant to lots 1, 3 and 4 on Sealed Plan No. 119842) over the "DRAINAGE EASEMENT 'B' 3.00 WIDE" passing through lot 4 on the plan.

Lots 4 and 5 on the plan is SUBJECT TO a right of drainage (appurtenant to Lots 1, 2 and 3 on the plan) over the "DRAINAGE EASEMENT 'D' 4.00 WIDE" passing through lots 4 & 5 on the plan.

Lot 5 on the plan is SUBJECT TO a right of carriageway (appurtenant to Lot 1) over the "RIGHT OF WAY (PRIVATE) MARKED D.E.F.G.H." on the plan Subject to the maintenance conditions as set forth below

Lot 5 on the plan is SUBJECT TO a right of carriageway (appurtenant to lot 2 on Sealed Plan No. 119842) over the "RIGHT OF WAY (PRIVATE) MARKED E.F.G.J." on the plan.

Lot 5 on the plan is SUBJECT TO a right of drainage for the Northern Midlands Council over the "DRAINAGE EASEMENT 'A' (2.00 WIDE) MARKED F.G." on the plan.

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: JA & PR Smith and KL & MD Shelton	PLAN SEALED BY: Northern Midlands Council
FOLIO REF: 129525/2 and 129525/3	DATE: 25-6-09
SOLICITOR ARCHER BUSHBY	27/003/458
& REFERENCE: S.P. BLOM - 720470	REF NO. <i>[Signature]</i> Council Delegate

**NOTE:** The Council Delegate must sign the Certificate for the purposes of identification.

*Paul Smith*

*[Signature]*

*[Signature]*

*[Signature]*

**EXHIBITED**

<p><b>ANNEXURE TO SCHEDULE OF EASEMENTS</b></p> <p>PAGE 2 OF 7 PAGES</p>	<p>Registered Number</p> <p><b>SP 157 129</b></p>
<p>SUBDIVIDER: JA &amp; PR Smith and KL &amp; MD Shelton FOLIO REFERENCE: 129525/2 and 129525/3</p>	

Lot 5 on the plan is SUBJECT TO a right of drainage (appurtenant to lots 1, 2 and 4 on Sealed Plan No. 119842) over the "DRAINAGE EASEMENT 'B' (3.00 WIDE)" passing through lot 5 on the plan.

Lots 3 and 4 on the plan are each SUBJECT TO a right to drainage in favour of the Northern Midlands Council over such portion of the DRAINAGE EASEMENT 'C' (SP119842) as passes through such lot.

Lots 1, 2 and 3 on the plan are TOGETHER WITH a right of drainage over the strip of land marked "DRAINAGE EASEMENT 'D' 4.00 WIDE" located on Lots 4 and 5 as shown on the plan.

Lot 1 and on the plan is TOGETHER WITH a right of carriageway over the strip of land marked "RIGHT OF WAY (PRIVATE) MARKED D.E.F.G.H." located on Lot 5 as shown on the plan.  
Subject to the maintenance conditions as set forth below

Lots 2 and 3 on the plan are TOGETHER WITH a right of carriageway over the strip of land marked "RIGHT OF WAY (PRIVATE) MARKED A.B.C.D.E.F." located on Lot 4 as shown on the plan.  
Subject to the maintenance conditions as set forth below

Lot 5 on the plan is TOGETHER WITH a right of drainage over the strip of land marked "DRAINAGE EASEMENT 'E' 2.00 WIDE" located on Lot 1 as shown on the plan.

**MAINTENANCE OF RIGHT OF WAY**

The owner of Lots 2, 3 and 4 on the Plan are to equally bear the burden of the costs of the maintenance of the right of way marked "RIGHT OF WAY (PRIVATE) MARKED A.B.C.D.E.F." on the plan.

The owner of Lots 1 and 5 on the Plan are to equally bear the burden of the costs of the maintenance of the right of way marked "RIGHT OF WAY (PRIVATE) MARKED D.E.F.G.H." on the plan.

**COVENANTS**

The owners of Lots 2 and 3 on the Plan covenant with Julie-Anne Smith and Paul Richard Smith and the owner for the time being of Lot 4 on the Plan to the intent that the burden of this covenant will run with it and bind the Covenantor's Lot and every part thereof and that the benefit shall be annexed to and devolve with each and every other part of Lot 4 on the plan to observe the following stipulation, namely:-

Not to erect any fence other than a stock-proof fence on the boundary with Lot 4.

The owners of Lots 1, 2 and 3 on the Plan covenant with the Vendor (Julie-Anne Smith, Paul Richard Smith, Kim Louise Shelton and Michael Douglas Shelton) and the owner for the time being of every other Lot shown on the Plan to the intent that the burden of this covenant will run with it and bind the Covenantor's Lot and every part thereof and that the benefit thereof may be annexed to and devolve with each and every other lot on the Plan to observe the following stipulations:-

- a) That there shall not be erected on the Lot any building other than one private dwelling house of a floor area not less than 121m<sup>2</sup> and any usual outbuildings thereto.

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

*Paul Smith*

*Michael Douglas Shelton*

*Julie-Anne Smith*

*Kim Louise Shelton*

**EXHIBITED**

<p><b>ANNEXURE TO SCHEDULE OF EASEMENTS</b></p> <p>PAGE 3 OF 7 PAGES</p>	<p>Registered Number</p> <p><b>SP 157 129</b></p>
<p>SUBDIVIDER: JA &amp; PR Smith and KL &amp; MD Shelton FOLIO REFERENCE: 129525/2 and 129525/3</p>	

- b) That no engine or machinery worked or driven by steam gas electricity or other mechanical power and used for any trade manufacture or business or which makes excessive noise shall be erected or fixed or placed on any part of such Lot and no trade or business which may be a public nuisance or a private annoyance and no noxious trade or business whatsoever shall be carried on or be permitted to be carried on on the Lot.
- c) Not to affix or display on any wall or fence upon the said Lot any posters bills or advertisements (except any notice or advertisement in the usual form for the sale or letting of the said land or building thereon) or any hoarding or structure for use as a bill posting or advertising station and in the even of any breach hereof the Vendor his servants or agents may at any time without notice to the owner enter upon the said Lot and remove any poster bill advertisement hoarding or structure which may be affixed displayed or erected thereupon in contravention of this covenant.
- d) That no dwelling house or garage or garages or the outbuildings usually appurtenant to and normally used in connection with a dwelling-house shall be constructed on such Lot which, except with the written approval of the Vendor:
  - (a) is a construction or re-erection of any building which has been pulled down or demolished;
  - (b) is a re-location of a previously erected building;
  - (c) has its exterior walls or roof clad with previously used or second hand materials;
  - (d) has its exterior wall or roof clad with uncoloured galvanised iron or tin;
- e) Not to keep on the Lot any more than two domestic dogs.
- f) Not to keep on the Lot any greyhound/s.
- g) Not to erect on the boundary with the Vendor any fence other than a stock-proof fence.

**FENCING COVENANT**

The owner of each Lot shown on the plan covenants with the Vendors, Julie-Anne Smith, Paul Richard Smith, Kim Louise Shelton and Michael Douglas Shelton, that the Vendor shall not be required to fence.

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

*Paul Smith*

*Julie-Anne Smith*

*KL*

*MD*

**EXHIBITED**



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 4 OF 7 PAGES	Registered Number <b>SP 157 129</b>
SUBDIVIDER: JA & PR Smith and KL & MD Shelton FOLIO REFERENCE: 129525/2 and 129525/3	

SIGNED by Paul Richard Smith being the  
 Registered Proprietor in Folio of the Register  
 Volume 129525 Folio 2  
 in the presence of: )  
 ) *Paul Smith*  
 )  
 )  
 Witness: *A. Smith*  
 Name: ALASTAIR SMITH  
 Address: 908 PATEENA ROAD LONGFORD  
 Occupation: CARPENTER

SIGNED by Julie-Anne Smith being the  
 Registered Proprietor in Folio of the Register  
 Volume 129525 Folio 2  
 in the presence of: )  
 ) *Julie-Anne Smith*  
 )  
 )  
 Witness: *A. Smith*  
 Name: ALASTAIR SMITH  
 Address: 908 PATEENA ROAD LONGFORD  
 Occupation: CARPENTER

SIGNED by Michael Douglas Shelton being  
 the Registered Proprietor in Folio of the  
 Register Volume 129525 Folio 3  
 in the presence of: )  
 ) *Michael Douglas Shelton*  
 )  
 )  
 Witness: *Margie*  
 Name: CRAIG CREECH  
 Address: 11 CRESSY RD LONGFORD  
 Occupation: SELF EMPLOYED

SIGNED by Kim Louise Shelton being the  
 Registered Proprietor in Folio of the Register  
 Volume 129525 Folio 3  
 in the presence of: )  
 ) *KL Shelton*  
 )  
 )  
 Witness: *Margie*  
 Name: CRAIG CREECH  
 Address: 11 CRESSY RD LONGFORD  
 Occupation: SELF EMPLOYED

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

**EXHIBITED**

<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 5 OF 7 PAGES	Registered Number <b>SP 157129</b>
SUBDIVIDER: JA & PR Smith and KL & MD Shelton FOLIO REFERENCE: 129525/2 and 129525/3	

SIGNED by Permanent Trustee Company Limited (A.C.N. ) as mortgagee pursuant to registered Mortgage No. C418981 over Folio of the Register Volume 129525 Folio 2 by its Attorney pursuant to Power of Attorney who declares that they have not received any notification of the revocation of the Power of Attorney in the presence of: )

*[Signature]*  
 Anthony Hogan 15/4/2009

Witness: *[Signature]*  
 Name: T. HANA HA  
 Address: L19/530 COLLINS ST MELB VIC  
 Occupation: SERVICING OFFICER

6298  
 TRUST COMPANY FIDUCIARY SERVICES LIMITED.  
 ACN 000 000 993 by its Attorneys of Permanent Custodians limited appointed under Power of Attorney PA 22845 and pursuant to Power of Attorney PA 13828 who state that they have no notice of revocation of the Power of Attorney dated the 1 September 2007.

Tier 1  
 Sign: *[Signature]*  
 Name: LAURA ALVAREZ  
 -DOCUMENT CUSTODY  
 MANAGER

Tier 1  
 Sign: *[Signature]*  
 Name: KYLIE BOZICEVIC  
 -DOCUMENT CUSTODY  
 MANAGER

*[Signature]*  
 John Christian Meyer  
 A Justice of the Peace in and for  
 the State of New South Wales  
 Reg No. 140714

*[Signature]*  
 John Christian Meyer  
 A Justice of the Peace in and for  
 the State of New South Wales  
 Reg No. 140714

35 CLARENCE STREET, SYDNEY, 2000

**NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.**

EXHIBITED *[Signature]*

<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 6 OF 7 PAGES	Registered Number <b>SP157129</b>
SUBDIVIDER: JA & PR Smith and KL & MD Shelton FOLIO REFERENCE: 129525/2 and 129525/3	

SIGNED by Commonwealth Bank of Australia Limited )  
 (A.C.N. ) (incorporating the financial )  
 institution formerly known as Trust Bank) as mortgagee )  
 pursuant to registered Mortgage No. C57102 over Folio )  
 of the Register Volume 129525 Folio 3 by its Attorney )  
 pursuant to Power of Attorney who declares that they )  
 have not received any notification of the revocation of )  
 the Power of Attorney in the presence of:- )

Witness: .....  
 Name: .....  
 Address: .....  
 Occupation: .....

SIGNED SEALED and DELIVERED  
 for and on behalf of COMMONWEALTH BANK  
 OF AUSTRALIA by its Attorney  
*Christina Keenan*  
 under Registration Power of Attorney No. 72/6177  
 who certifies that he/she is  
*Conveyancing Officer*  
 of the COMMONWEALTH BANK OF AUSTRALIA and  
 declares that he/she has received no notice  
 of revocation of the said Power of Attorney and  
 in the presence of:

.....  
 Rank Officer, Melbourne  
 LISA WEBB  
 LGV 62 8  
 385 BUVELLE ST.

**COMMONWEALTH BANK OF AUSTRALIA** as  
 mortgagee in mortgage No. C57102  
 hereby consents to the within

*Chloe*  
 \_\_\_\_\_  
*Chloe*

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

*Paul Smith*

*Keenan*

*MMJ*

*HSB* *MMS*

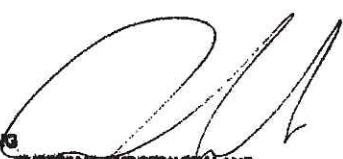
**EXHIBITED**

<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 7 OF 7 PAGES	Registered Number <b>SP 157 129</b>
SUBDIVIDER: JA & PR Smith and KL & MD Shelton FOLIO REFERENCE: 129525/2 and 129525/3	

SIGNED by Australia and New Zealand Banking Group Limited (A.C.N. ) as mortgagee pursuant to registered Mortgage No. C605933 over Folio of the Register Volume 129525 Folio 3 by its Attorney pursuant to Power of Attorney who declares that they have not received any notification of the revocation of the Power of Attorney in the presence of:- )

Witness: .....  
 Name: .....  
 Address: .....  
 Occupation: .....

EXECUTED BY  
 AUSTRALIA AND NEW ZEALAND  
 BANKING GROUP LIMITED by BEING  
 Signed by an employee of ANZ  
*David Catherine Smith*  
 (who hereby certifies that  
 he has received no notice  
 of revocation of POWER  
 OF ATTORNEY NO. PA0053  
 under which this instrument  
 is signed) in the presence of:  
*M. Vlastakis*  
 Bank Officer, 40 Elizabeth Street, Hobart  
*Maria Vlastakis*



**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

*Paul Smith*      *John*      *MD*      *Fisher*      *MJP*

EXHIBITED

**Appendix B**

Development Plans

EXHIBITED

ATTN: General Manager.

We live on the western boarder of the property with the proposed holiday unit.

We have a few concerns with the development.

We moved to Longford because of the peace and quite, the country lifestyle and the community feel.

We feel the building of the unit will lessen the privacy of our home and backyard. Given that it is proposed to be constructed 10m from our fence line.

We are worried about the extra traffic down the laneway and therefore the extra maintenance of the road required.

Another concern is the prospect of having strangers renting accomodation so close to our home in what we thought was going to be a purely residential area, making noise, disturbing us and our pets. As when we bought our place we had no idea there would be a holiday unit to be developed over our back fence at 161 Wellington Street as well. We have had strangers and their vehicles pull into our place looking for the B&B.

We also believe the the dwelling will impact our view which is one of the main reasons we purchased to our property.

If the development could be moved further east towards the owners home it should alleviate most of our worries.

We wish to keep our concerns private as to keep a good relationship with our neighbours.

Thank you for your time.

Greg Belkner & Ashlee Dunne,  
163 Wellington Street, Longford.

## Planning Directive No. 6

### Exemption and Standards for Visitor Accommodation in Planning Schemes

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

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

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



**1.0 Citation**

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

**2.0 Application**

2.1 This planning directive applies to the following planning schemes:

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

**3.0 Effect of the planning directive (Mandatory provisions)**

3.1 For all interim planning schemes to which this planning directive applies must have the effect that:

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

**Visitor Accommodation**

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

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

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

'lot, in respect of a site, means a part of the site –

(a) allocated for separate occupation by the owner of the lot or a person deriving rights of occupation from the owner; or

(b) consisting of land that, by virtue of a certificate under section (A of the Meander Dam Project Act 2003, is to be treated as a lot'

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

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

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

Otherwise 'Discretionary'.

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

Bed and Breakfast Establishment and Visitor Accommodation must:

- (i) not cause an unreasonable loss of privacy to adjoining properties;
- (ii) not likely to cause an unreasonable increase in noise;
- (iii) be of a scale that respects the character and use of the area;
- (iv) not adversely impact the safety and efficiency of the local road network;
- (v) not unreasonably disadvantage owners and users of rights of way;
- (vi) not be located on the same site as a dwelling providing long term residential accommodation, unless:

- a. it has a separate ground level pedestrian access to a road; or
- b. there is an existing mix of uses on the site;

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

Otherwise 'Prohibited'.

#### 4.0 Application of Standards and planning requirement

- 4.1 If any provision or requirement in a planning scheme to which this planning directive applies is directly or indirectly inconsistent with the provisions or requirements specified in subclauses 3.1, 3.2 or 3.3, that provision or requirement does not apply to the extent of the inconsistency.

- 4.2 Notwithstanding 4.1, any provision or requirement in the Flinders Planning Scheme 2000 and the Sullivans Cove Planning Scheme 1997 that would normally apply to Visitor Accommodation use or development, remains in force providing it does not cause the substitution for, modification of or an addition to:

- (i) the definitions for Visitor Accommodation to that stated in 3.2(b) and 3.3(c) and the definition for Bed and Breakfast Establishment to that stated in 3.3(b);
- (ii) the exemption from requiring a planning permit to that stated in 3.2(a) and 3.3(a) and;
- (iii) the use status for Visitor Accommodation to that stated in 3.3(d) and 3.3(e), including any applicable conditions, in the use tables of Activity Area.

#### 5.0 Suspension of Provisions

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

#### 6.0 Commencement

This planning directive takes effect on 1 August 2018.