

## Development Applications

Notice is hereby given under Section 57(3) of the *Land Use Planning & Approvals Act 1993* that an application has been made to the Break O' Day Council for a permit for the use or development of land as follows:

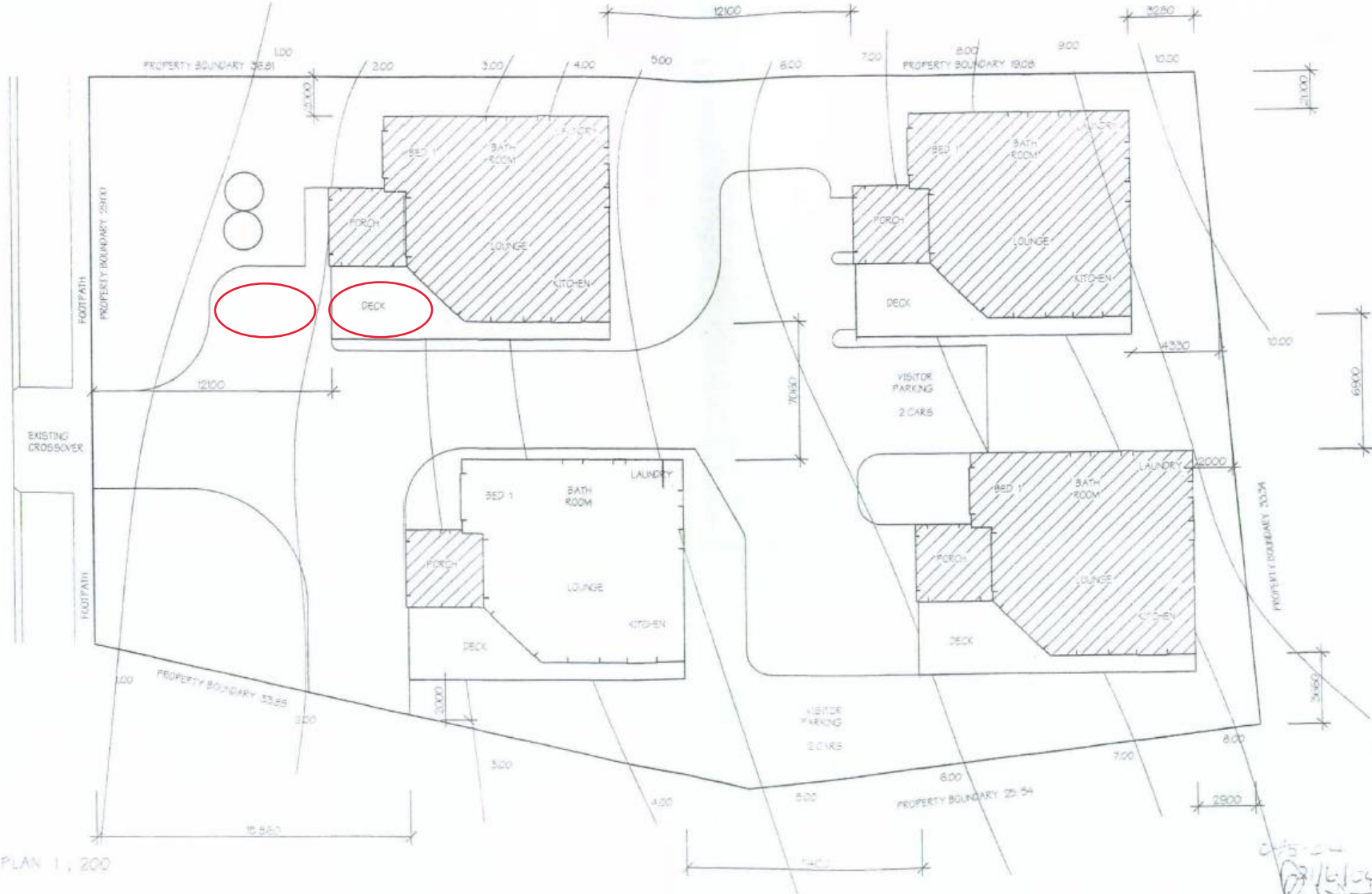
|                  |  |
|------------------|--|
| <b>DA Number</b> | DA 2024 / 00197                        |
| <b>Applicant</b> | G F Bennett                            |
| <b>Proposal</b>  | Additional Use - Visitor Accommodation |
| <b>Location</b>  | 1/82 Main Road, Binalong Bay           |

Plans and documents can be inspected at the Council Office by appointment, 32 – 34 Georges Bay Esplanade, St Helens during normal office hours or online at [www.bodc.tas.gov.au](http://www.bodc.tas.gov.au).

Representations must be submitted in writing to the General Manager, Break O'Day Council, 32 -34 Georges Bay Esplanade, St Helens 7216 or emailed to [admin@bodc.tas.gov.au](mailto:admin@bodc.tas.gov.au), and referenced with the Application Number in accordance with section 57(5) of the abovementioned Act during the fourteen (14) day advertised period commencing on Saturday 26<sup>th</sup> October, 2024 **until 5pm Monday 11<sup>th</sup> November, 2024.**

**John Brown**  
**GENERAL MANAGER**

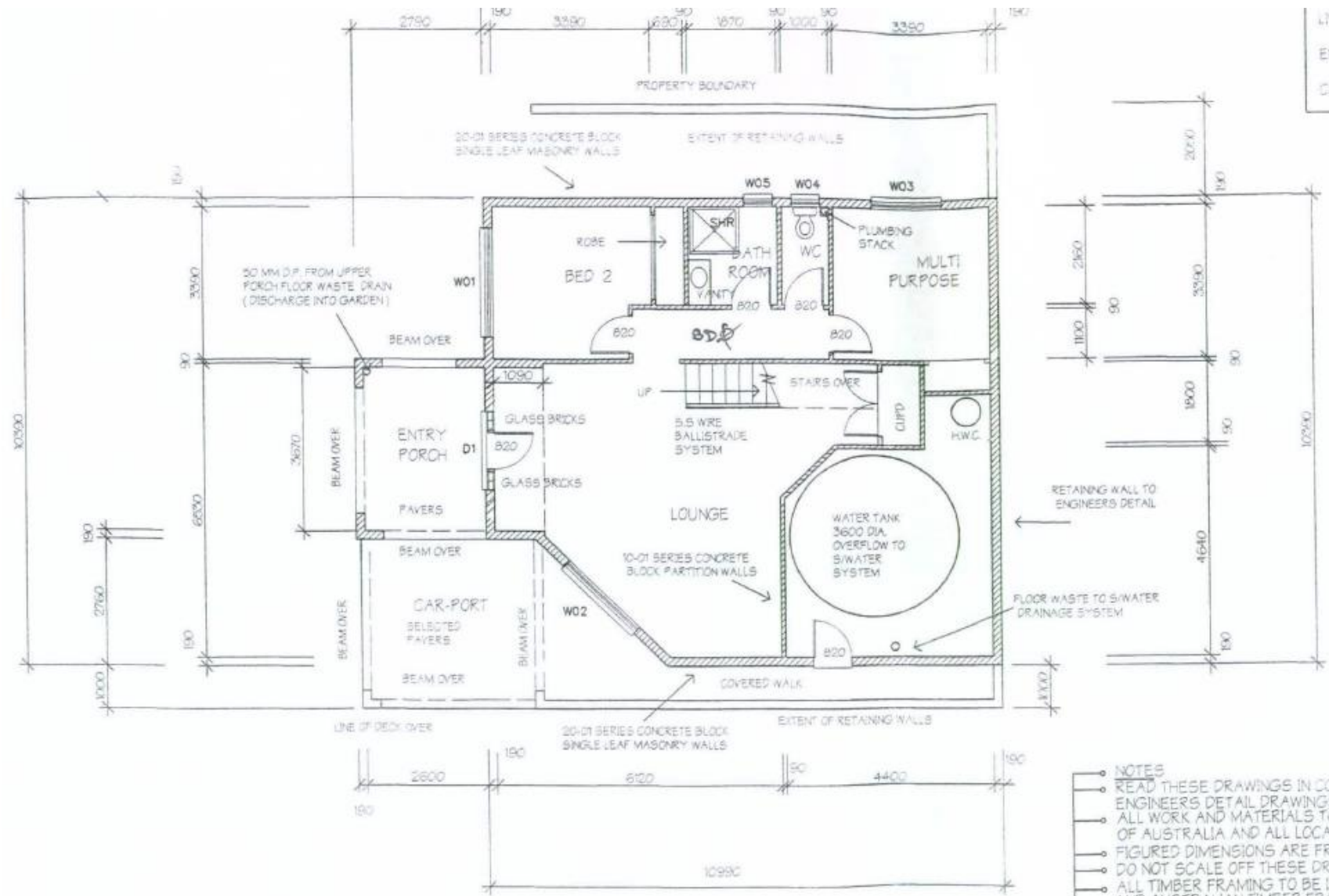
MAIN ROAD BINALONG BAY



SITE PLAN 1 : 200

C:\15-24  
21/6/24

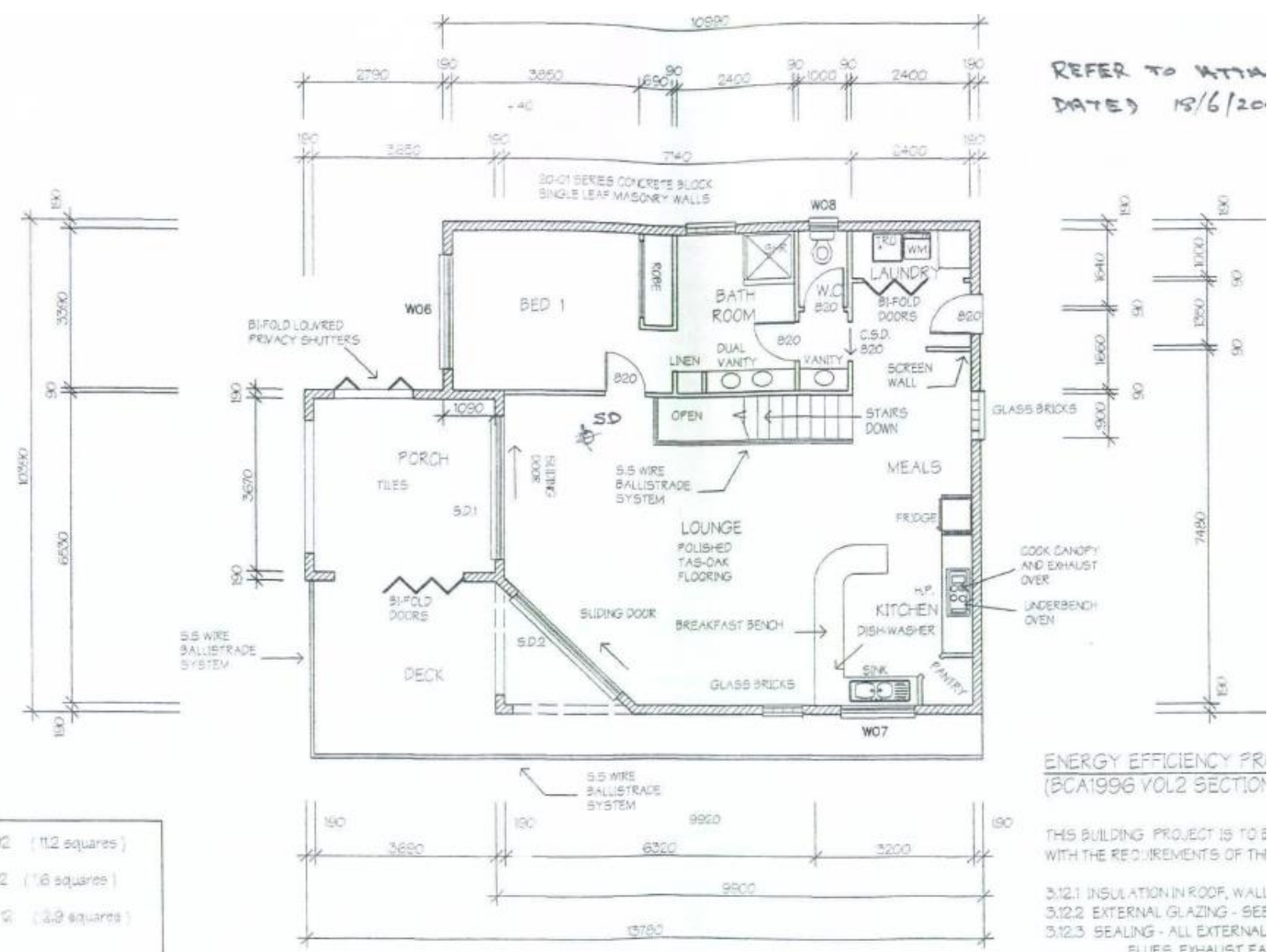
LIVIN  
ENTR  
CAR



- NOTES**
- READ THESE DRAWINGS IN CON.
  - ENGINEERS DETAIL DRAWINGS.
  - ALL WORK AND MATERIALS TO BE OF AUSTRALIA AND ALL LOCAL.
  - FIGURED DIMENSIONS ARE FRAI
  - DO NOT SCALE OFF THESE DRA
  - ALL TIMBER FRAMING TO BE IN C
  - AND AUSTRALIAN TIMBER FRAM
  - ALL GLAZING TO COMPLY WITH
  - ALL JOINERY, FIXTURES, FITTIN

LOWER FLOOR PLAN

REFER TO WTTA  
 DATED 13/6/20

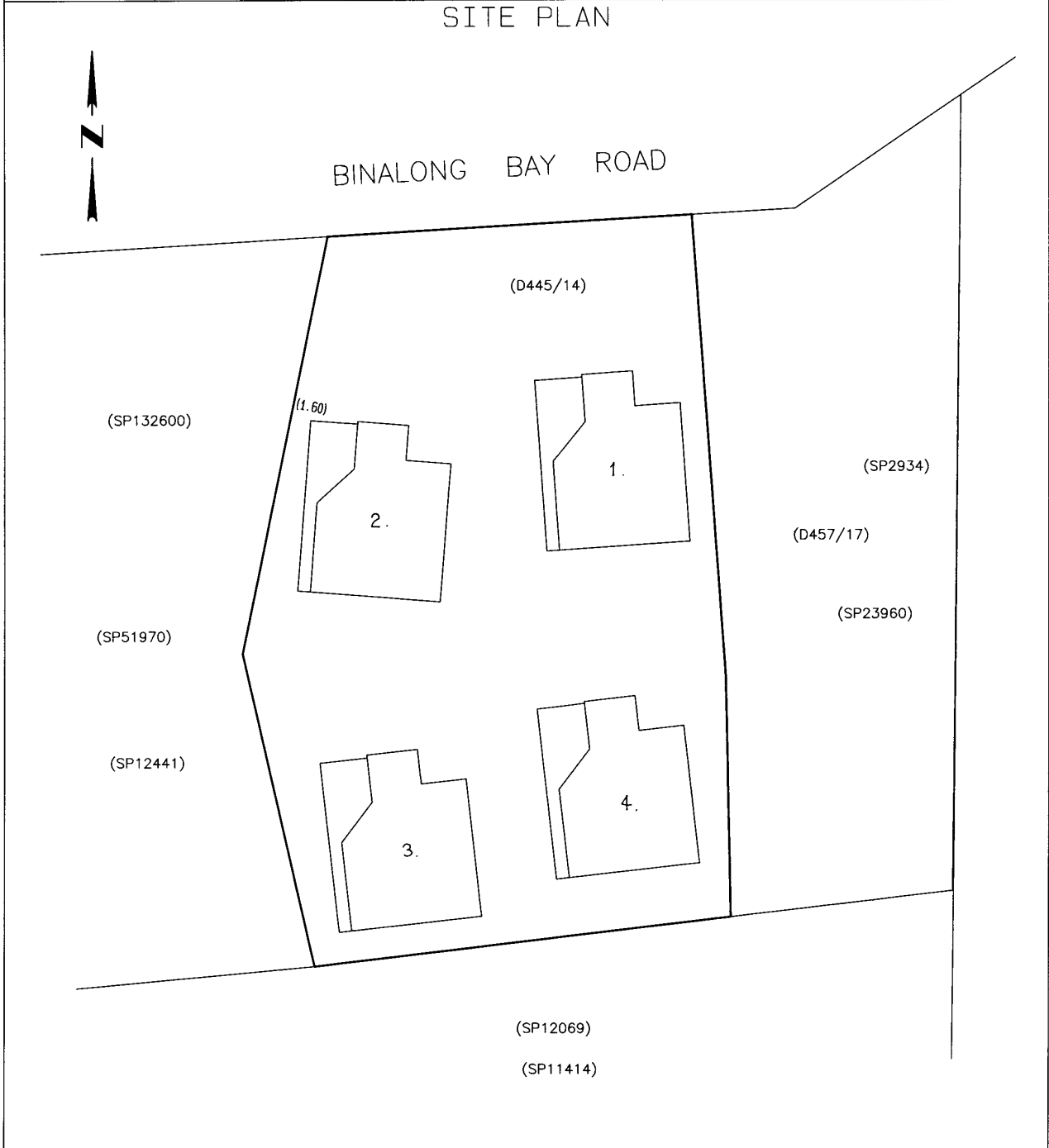


|                 |        |                |
|-----------------|--------|----------------|
| IEA             | 104 M2 | (11.2 squares) |
| 10 DINING PORCH | 15 M2  | (1.6 squares)  |
|                 | 27 M2  | (2.9 squares)  |

ENERGY EFFICIENCY PR  
 (BCA1996 VOL2 SECTION)

THIS BUILDING PROJECT IS TO BE  
 WITH THE REQUIREMENTS OF THE  
 3.12.1 INSULATION IN ROOF, WALL  
 3.12.2 EXTERNAL GLAZING - SEE  
 3.12.3 SEALING - ALL EXTERNAL  
 FLUES, EXHAUST FA

|   |                    |   |  |   |  |
|---|--------------------|---|--|---|--|
| CITY/TOWN BINALONG BAY                                    |                    | <b>STRATA PLAN</b><br>SHEET 1 OF 3 SHEETS           |  | REGISTERED NUMBER<br><b>145800</b>                    |  |
| SUBURB/LOCALITY BINALONG BAY                              |                    |   |  | STRATA TITLES ACT 1998<br>REGISTERED . . . 3 JAN 2006 |  |
| FOLIO REFERENCE C.T 132600 - 02                           |                    | NAME OF STRATA SCHEME<br>82 MAIN ROAD, BINALONG BAY |  | <i>Alice Kawa</i><br>Recorder of Titles               |  |
| SITE COMPRISES THE WHOLE OF<br>LOT 2 ON PLAN No. SP132600 |                    | SCALE 1: 300  |  |   |  |
| MAPSHEET MUNICIPAL<br>CODE No. 101                        | LAST UPI No. GFJ20 | LENGTHS IN METRES                                   |  |   |  |



|   |   |                  |  |                   |
|---|---|------------------|--|-------------------|
| NOTES: (i) ALL BUILDINGS ON THE SITE TO BE SHOWN ON SHEET 1.<br>(ii) BUILDING TO SITE BOUNDARY OFFSETS OF LESS THAN 2.00 METRES TO BE SHOWN ON SHEET 1. | <i>[Signature]</i><br>Council Delegate                      | 14/12/05<br>Date | <i>[Signature]</i><br>Registered Land Surveyor | 3.10.2005<br>Date |
|   | STAGED/COMMUNITY DEVELOPMENT.<br>SCHEME No. (IF APPLICABLE) |                  |  |                   |
| LODGED BY GRANT TUCKER  |   |                  |  |                   |

**STRATA PLAN**

SHEET 2 OF 3 SHEETS

STRATA TITLES ACT 1998

Registered Number

*[Signature]*  
Council Delegate  
14/12/05  
Date

**145800**

**GROUND FLOOR  
SCALE 1:300**

The horizontal lot boundaries are shown by heavy unbroken lines defined by:  
Site boundaries.  
Measurements where the boundaries are open.  
The western face of the kerb block AB.  
The centre line of the fences CD, MNO and WSX.  
The outside face of the wall K p1.  
P p1 measures 0.40.

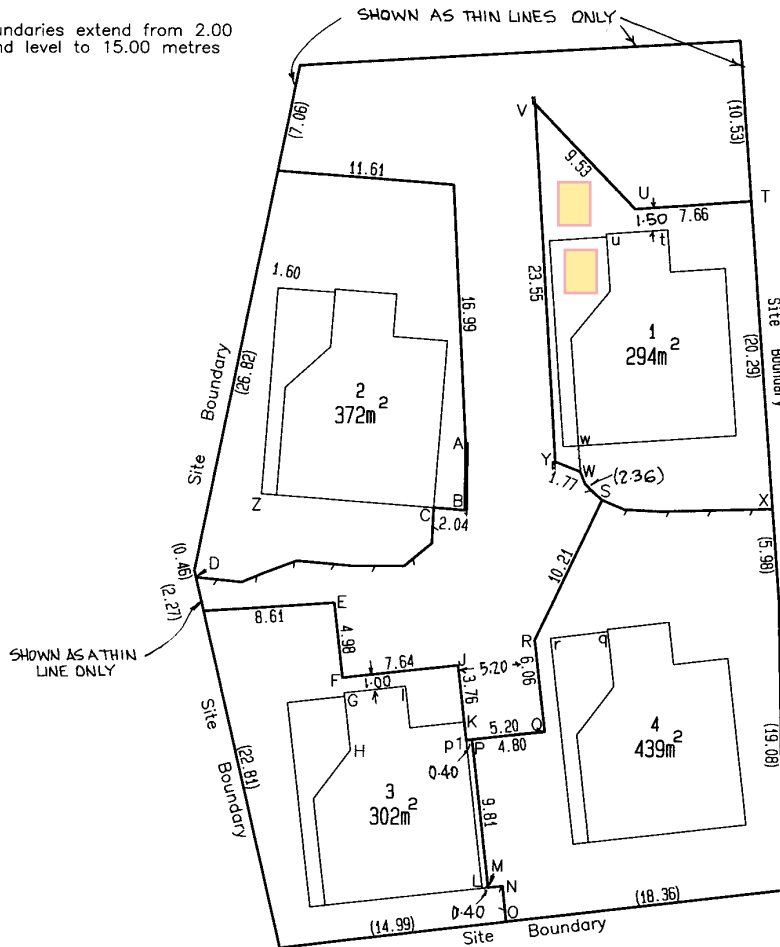
FE is the prolongation of the outside face of the wall GH.  
FJ is parallel to GI at 1.00 offset.  
JK is the prolongation of ~~the~~ K p1.  
BC is the prolongation of the outside face of the wall CZ.  
TU is parallel to tu at offset 1.50.  
RQ is parallel to JKL at offset 5.20.  
R is the prolongation of the face of the concrete balcony rq.

For the purpose of fixation:  
Ww measures 1.71.  
WS measures 2.36.  
LM measures 0.40.  
K p1 measures 1.20.

V is the south east corner and start of a concrete wall.  
Y is at the north east corner and start of kerb block.  
A is the north west corner and start of kerb block.

Measurements in brackets are for boundary fixation only.

The vertical lot boundaries extend from 2.00 metres below ground level to 15.00 metres above ground level



*[Signature]*  
Registered Land Surveyor

3.10.2005  
Date

|  |                        |                                    |
|--|------------------------|------------------------------------|
| <p style="text-align: center;"><b>STRATA PLAN</b></p> <p style="text-align: center;">SHEET 3 OF 3 SHEETS</p> | STRATA TITLES ACT 1998 | Registered Number<br><b>145800</b> |
|--|------------------------|------------------------------------|

NAME OF BODY CORPORATE: STRATA CORPORATION NO. 145800, 82 MAIN ROAD, BINALONG BAY  
 ADDRESS FOR THE SERVICE OF NOTICES: 82 MAIN ROAD, BINALONG BAY, 7216

|   |   |
|---|---|
| <p style="text-align: center;"><b>SURVEYORS CERTIFICATE</b></p> <p>I, <u>ANTHONY JOHN PHILLIPS</u> of <u>RIVERSIDE</u>.....<br/>                 a surveyor registered under the Surveyors Act 2002 certify that<br/>                 the building or buildings erected on the site and drawn on sheet 1 of<br/>                 this plan are within the site boundaries of the folio stated on sheet 1<br/>                 and any encroachment beyond those boundaries is properly authorised<br/>                 according to law.</p> <p style="display: flex; justify-content: space-between;"><i>AJ Phillips</i>                                  <u>3-10-2005</u>                                  <u>S34504</u></p> <p style="display: flex; justify-content: space-between;"><small>Registered Land Surveyor</small>                                  <small>Date</small>                                  <small>Ref No.</small></p> | <p style="text-align: center;"><b>COUNCIL CERTIFICATE</b></p> <p>I certify that the <u>Break O'Day Council</u> Council has:</p> <p>(a) approved the lots shown in this plan and<br/>                 (b) issued this certificate of approval in accordance<br/>                 with section 31 of the Strata Titles Act 1998</p> <p style="display: flex; justify-content: space-between;">                                  <u>14/12/2005</u>                                  <u>095-04</u></p> <p style="display: flex; justify-content: space-between;"><small>Council Delegate</small>                                  <small>Date</small>                                  <small>Ref No.</small></p> |
|---|---|

### GENERAL UNIT ENTITLEMENTS

| LOT          | UNIT ENTITLEMENT |
|--------------|------------------|
| 1            | 1                |
| 2            | 1                |
| 3            | 1                |
| 4            | 1                |
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| <b>TOTAL</b> | 4                |

(5-3)

**From:** Meaghan Bennett <meaghanabennett@hotmail.com>  
**Sent:** Wednesday, 9 October 2024 4:05 PM  
**To:** Cathy Bailey  
**Cc:** Gerald Bennett  
**Subject:** Re: Visitor Accommodation Use - 1/82 Main Road, Binalong Bay  
**Attachments:** Gerald Bennett - 1/82 Main Road, Binalong Bay; Binalong Plans.pdf

**CAUTION:** Do not click links or attachments unless you recognize the sender and know the content is safe

Hi Cathy,

Thank you for your time on the phone.

I attach a copy of the email sent advising the other owners in the strata of the intended use. Copied in to that email is the (unofficial) manager of the Body Corporate, Paul Krawczyk.

In answer to Performance Criteria P2 in the Tasmanian Planning Scheme - State Planning Provisions for Visitor Accommodation:

*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:*

- 1. the privacy of residents;*
- 2. any likely increase in noise;*
- 3. the residential function of the strata scheme;*
- 4. the location and layout of the strata lots;*
- 5. the extent and nature of any other non-residential uses; and*
- 6. any impact on shared access and common property.*

The above will all be addressed under a set of "house rules", yet to be drafted. The property will be managed by Bay of Fires Destinations, Matt Gibson, who I understand manages many properties in that area, so we will liaise with him in order to keep in line with similar short stay accommodation providers in the area. We are mindful of the other residents in the strata, and have been conscious of this over the 15-20 years that we have been enjoying the property as a family.

I attach site plan showing car parking in red circles, subject to size & amount of cars. Again, we can address this in house rules if need be.

Please advise whether we have now covered off most (if not all) of the requirements?

Thank you,  
Meaghan



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**From:** Cathy Bailey <[cathy.bailey@bodc.tas.gov.au](mailto:cathy.bailey@bodc.tas.gov.au)>  
**Sent:** Wednesday, 9 October 2024 3:19 PM  
**To:** [meaghanabennett@hotmail.com](mailto:meaghanabennett@hotmail.com) <[meaghanabennett@hotmail.com](mailto:meaghanabennett@hotmail.com)>  
**Cc:** [geraldbennett@bigpond.com](mailto:geraldbennett@bigpond.com) <[geraldbennett@bigpond.com](mailto:geraldbennett@bigpond.com)>  
**Subject:** FW: Visitor Accommodation Use - 1/82 Main Road, Binalong Bay

Hi Meaghan

Thank you for the submission of the application for visitor accommodation.

As you can see from the email below there is additional information we will require. Please forward to [admin@bodc.tas.gov.au](mailto:admin@bodc.tas.gov.au) In the meantime we will set up the file and issue the invoice.

Kind regards  
Cathy

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**From:** Cathy Bailey  
**Sent:** Wednesday, 11 September 2024 10:49 AM  
**To:** 'geraldbennett@bigpond.com' <[geraldbennett@bigpond.com](mailto:geraldbennett@bigpond.com)>  
**Subject:** Visitor Accommodation Use - 1/82 Main Road, Binalong Bay

Good Morning Gerald

Thank you for your enquiry.

In order to submit an application for assessment the following will be required:

1. Completed Development Application – see attached – This application for will also need to show that you have advise all other owners in the strata lot.
2. Full current (issued in the last 6 months) copy of the Certificate of Title (folio text and plan) and Schedule of Easements (if applicable) – can be obtained from Service Tasmania or [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) – including the strata lot.
1. Site plan showing – if using previously approved plans by a designer please obtain their permission to use these plans.
  1. Property boundaries with measurements
  2. All current structures onsite
  3. North Point
  4. Access and carparking
3. Floor plan of dwelling
4. Response to the attached section of the Tasmanian Planning Scheme – Low Density Residential – Visitor Accommodation
5. Complete Building Self-Assessment Form – attached

The application is to be sent to [admin@bodc.tas.gov.au](mailto:admin@bodc.tas.gov.au) Fees will be invoice once the application has been received.

If you have any further queries in relation to this matter please feel free to contact me.

Kind regards  
Cathy

**Please be advised that the information is intended to provide preliminary guidance from Council officers. This advice serves as an initial consideration and does not constitute a comprehensive assessment. It may not fully indicate the likely outcome of any subsequent assessment process.**



**Cathy Bailey** | Technical Officer Development Services | **Break O'Day Council**

t: 03 6376 7900

e: [cathy.bailey@bodc.tas.gov.au](mailto:cathy.bailey@bodc.tas.gov.au) | w: [www.bodc.tas.gov.au](http://www.bodc.tas.gov.au)



Please consider the environment before printing this email

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Attention Deb Szekely

From Gerald Bennett

Ref: DA 2024/00197

In response to your letter dated 15<sup>th</sup> October:

1. (a) The second owner of the property, Joy Therese Bennett, passed away on the 26<sup>th</sup> April 2024.
- (b) The strata owners were notified by email on the 9<sup>th</sup> of October 2024 (previously provided to Break O'Day Council). Declaration signed on amended Application attached.
2. (a) Responses to 10.3.2 Visitor Accommodation P1:
  - (a) The properties have been thoughtfully designed and constructed with an emphasis on privacy, each exhibiting its own distinct character and offering unique views. The property is securely enclosed, ensuring that access to neighbouring properties is not necessary.
  - (b) As previously mentioned, the property will be listed and managed by Matt Gibson of Destination Bay of Fires. For your reference, the attached Destination Bay of Fires Booking Terms & Conditions include important information, particularly regarding Clause 8, which addresses Noise, Parties, and Functions.
  - (c) The proposed use is consistent with other accommodations and facilities in the area, promoting a cohesive experience for visitors while respecting the needs of local residents.
  - (d) The accommodation will operate at a scale that is modest and consistent with residential use, ensuring that it does not disrupt the quiet enjoyment of nearby homes.
  - (e) The property offered for Visitor Accommodation is designed for a modest number of guests, which will result in a limited increase in traffic.
  - (f) By managing parking within the site, we will minimize disruption to any rights of way, ensuring that residents and visitors can navigate the area safely and comfortably.
- (b) Responses to 10.3.2 Visitor Accommodation P2:
  - (a) The properties have been thoughtfully designed and constructed with an emphasis on privacy, each exhibiting its own distinct character and offering unique views. The property is securely enclosed, ensuring that access to neighbouring properties is not necessary.
  - (b) As previously mentioned, the property will be listed and managed by Matt Gibson of Destination Bay of Fires. For your reference, the attached Destination Bay of Fires Booking Terms & Conditions include important information, particularly regarding Clause 8, which addresses Noise, Parties, and Functions.
  - (c) The operation of the accommodation will align with the residential character of the strata scheme, ensuring that it complements rather than competes with the primary residential uses.
  - (d) The properties have been thoughtfully designed and constructed with an emphasis on privacy, each exhibiting its own distinct character and offering unique views. The property is securely enclosed, ensuring that access to neighbouring properties is not necessary.

- (e) The property will be used as Visitor Accommodation. All guests will be required to adhere to the Destination Bay of Fires Booking Terms & Conditions, which provide for solely residential use.
  - (f) Refer to (a) above.
3. Amended car parking plan is attached. The property will only be offered for Visitor Accommodation when not in use as a family holiday home, therefore the use of Residential or Visitor Accommodation will be separate.

We note at 2(b) in your email that “written support from the owners of the strata lots and the Body Corporate may be required”. Attached is an email response from Helen Krawczyk acknowledging receipt of the email advising of the intended change in use. It must be noted that Helen is the only permanent resident in the strata. It is also noted in your letter that there are two other residences in the strata that currently have Visitor Accommodation classification. To our knowledge, only one (Unit 4) is actively used as Visitor Accommodation at the present time.

In relation to Cathy Bailey’s email of the 14<sup>th</sup> of October, we will address the requirements and return the Application for Occupancy Permit in due course.

Please advise if you require anything further.

Regards,

Gerald Bennett