



SORELL PLANNING AUTHORITY (SPA) AGENDA

26 SEPTEMBER 2023

COUNCIL CHAMBERS

COMMUNITY ADMINISTRATION CENTRE (CAC)

NOTICE OF MEETING

Notice is hereby given that the next meeting of the Sorell Planning Authority (SPA) will be held at the Community Administration Centre (CAC), 47 Cole Street, Sorell on Tuesday, 26 September 2023 commencing at 4:30 pm.

C E R T I F I C A T I O N

I, Robert Higgins, General Manager of the Sorell Council, hereby certify that in accordance with Section 65 of the *Local Government Act 1993*, the reports in this Agenda have been prepared by persons who have the qualifications and experience necessary to give such advice. Information and recommendations or such advice was obtained and taken into account in providing general advice contained within the Agenda.

ROBERT HIGGINS
GENERAL MANAGER
21 SEPTEMBER 2023



AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE HELD AT THE
COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON
TUESDAY 26 SEPTEMBER 2023

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1.0 ATTENDANCE

^

Chairperson Mayor Vincent
Deputy Mayor C Wooley
Councillor S Campbell
Councillor J Gatehouse
Councillor M Miro Quesada Le Roux
Councillor M Reed
Councillor N Reynolds
Councillor C Torenus
Robert Higgins, General Manager

2.0 APOLOGIES

Councillor M Brown – approved leave of absence

3.0 CONFIRMATION OF THE MINUTES OF 29 AUGUST 2023

RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 29th August 2023 be confirmed.”

4.0 DECLARATIONS OF PECUNIARY INTEREST



In considering the following land use planning matters the Sorell Planning Authority intends to act as a planning authority under the *Land Use Planning and Approvals Act 1993*.

5.0 LAND USE PLANNING

5.1 DEVELOPMENT APPLICATION NO. DA 2023 / 75 - 1

Applicant:	Another Perspective
Proposal:	Dwelling
Site Address:	161 Lewisham Scenic Drive, Lewisham (CT 55330/20)
Planning Scheme:	<i>Tasmanian Planning Scheme - Sorell</i>
Application Status	Discretionary
Relevant Legislation:	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	Recommendation to refuse

Relevant Zone:	Low Density Residential
Proposed Use:	Single dwelling
Applicable Overlay(s):	Nil
Applicable Codes(s):	Parking and Sustainable Transport, Road and Railway Assets
Applicable SAP:	Southern Beaches Onsite Wastewater and Stormwater
Valid Application Date:	03 05 2023
Decision Due:	28 September 2023
Discretion(s):	1 Side setbacks
	2 Onsite wastewater management
	3 Onsite stormwater management
Representation(s):	One

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 5.2023.75.1 for a Dwelling at 161 Lewisham Scenic Drive, Lewisham refused for the following reasons:

1. The proposal does not comply with clause 10.4.3 A2 and does not satisfy clause 10.4.3 P2 as the siting of the dwelling will cause an unreasonable loss of amenity to adjoining properties through a high and long blank mass wall setback 1m from the side boundary that:
 - a) will visually dominant areas of private open space on adjoining land;
 - and
 - b) is inconsistent with the character of development existing on established properties in the area which are neither as close, large or massed to any extent that resembles that which is proposed.



You may appeal this decision, any such appeal must be lodged within fourteen (14) days of service of this notice to TASCAT, 38 Barrack Street Hobart 7000 Ph: ☎(03) 6165 6790 or email resourceplanning@tascat.tas.gov.au

Executive Summary

Application is made for a Dwelling at 161 Lewisham Scenic Drive, Lewisham. This property is within the Low Density Residential Zone and is located within a coastal strip of residential development.

The key planning considerations relate to the height, bulk and form of the development and its proximity to the side boundary. The proposal is recommended for refusal as it is considered that that the dwelling will cause an unreasonable impact to the amenity of adjoining properties.

Relevance to Council Plans & Policies

Strategic Plan 2019-2029	Objective 1: To Facilitate Regional Growth Objective 2: Responsible Stewardship and a Sustainable Organisation Objective 3: To Ensure a Liveable and Inclusive Community
Asset Management Strategy 2018	The proposal has no significant implications for asset management.
Risk Management Strategy 2018	In its capacity as a Planning Authority, Council must determine this application. Due diligence has been exercised in preparing this report and there are no predicted risks from a determination of this application.
Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.
Open Space Strategy 2020 and Public Open Space Policy	The proposal has no significant implications for open space management.
Enforcement Policy	Not applicable.
Environmental Sustainability Policy	There are no environmental implications associated with the proposal.

Legislation

- This report details the reasons for the officer recommendation.
- Broadly, the planning authority can either adopt or change the recommendation by adding, modifying or removing conditions or replacing an



approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.

- The planning authority has a specific role in LUPAA. As noted by the Tribunal:

The role of the Council in relation to planning matters is, in very broad terms, to uphold its planning scheme. In that context it is in a sense, blind to everything but the terms of the Scheme. It cannot put economic advantage or perceived community benefits over the terms of the Scheme. And in the context of enforcement proceedings unless expressly authorised to do so, it may not take any approach which is inconsistent with the terms of its **Scheme**.

Planning Scheme Operation – for Zones, Codes and site specific provisions

- Clause 5.6.1 requires that each applicable standard is complied with if an application is to be approved.
- Clause 5.6.2, in turn, outlines that an applicable standard is any standard that deals with a matter that could affect, or could be affected by, the proposal.
- A standard can be met by either complying with an acceptable solution or satisfying the performance criteria, which are equally valid ways to comply with the standard.
- An acceptable solution will specify a measurable outcome. Performance criteria require judgement as to whether or not the proposal reasonably satisfies the criteria.
- Clause 6.10 outlines the matters that must be considered by a planning authority in determining applications. Clause 6.11 outlines the type of conditions and restrictions that can be specified in a conditional approval.

Referrals

Agency / Dept.	Referred?	Response?	Conditions?	Comments
Development Engineering	Yes	Yes	Yes	Nil
Environmental Health	Yes	Yes	Yes	Nil
Plumbing	No			
NRM	No			
TasWater	No			
TasNetworks	No			
State Growth	No			

Report

Description of Proposal

Application is made for a two storey dwelling at 161 Lewisham Scenic Drive, Lewisham.

The lower level provides a double garage, storage, laundry and living areas along with a 4m wide deck. The upper level provides four bedrooms and bathroom. The footprint is 16.9m wide and 26.5m long with a height of 8.5m. The design includes a low profile roof, vertical shiplap cladding, block enclosed subfloor and minimal articulation. A cut of 1.4m is proposed at the front and the elevated subfloor is some 3m above natural ground at its highest. The frontage setback is 10.6m, the rear setback is 11.3m, the northern side setback is 1m and the southern side setback is 2.1m. A sealed driveway is proposed. Onsite stormwater and wastewater management is required.

The application is supported by:

- Town planning advice from Gray Planning dated 8 August 2023;
- Onsite wastewater design from CKEMP dated 18 May 2023;
- Stormwater assessment by Enviro-Tech Consulting dated 3 April 2023; and
- drawings from Another Perspective dated 7 February 2023 and 27 March 2023 (AP2022-2172).

Description of Site

The site is located between the foreshore and Lewisham Scenic Drive and has an area of 1009m². The site rises in elevation above the foreshore with a gradient of 1 in 6. There is no vegetation or development on the site. The site is unserviced.

Overlays for bushfire, landslide and waterway protection apply to the land however the associated codes do not apply to the proposal.

Lewisham Scenic Drive is a sealed road with a rural character with no kerbing or footpaths in place.



Figure 1. Site. Former dwelling and tree in the north-west corner of the lot now removed.



Figure 2. Surrounding area

Planning Assessment

Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
10.4.2 A1	Height	Yes, the height must be no more than 8.5m above natural ground level. The height is dimensioned on the proposal plans at 8499mm.
10.4.3 A1	Frontage setback	Yes, as the front setback is greater than 8m.
10.4.3 A2	Side setback	No, as the side boundary setbacks are less than 5m. Refer to performance criteria discussion below.
10.4.4 A1	Site coverage	Yes, as the site coverage of 26% is less than the 30% acceptable solution standard.

Performance Criteria Assessment 1 –10.4.3 P2 Side setback

As the dwelling does not have a setback from a side boundary of 5m, the performance criteria applies:

The siting of a dwelling must not cause an unreasonable loss of amenity to adjoining properties, having regard to:

- (a) the topography of the site;*
- (b) the size, shape and orientation of the site;*
- (c) the setbacks of surrounding buildings;*
- (d) the height, bulk and form of existing and proposed buildings;*
- (e) the existing buildings and private open space areas on the site;*
- (f) sunlight to private open space and windows of habitable rooms on adjoining properties; and*
- (g) the character of development existing on established properties in the area.*

The character of the area

161 Lewisham Scenic Drive is positioned within a strip of residential development parallel to the foreshore and either side of Lewisham Scenic Drive (LSD) with lots originating from 1949.

The size of the lot at 1009m² is consistent with the prevailing lot size. The area includes lots as small as 700m² but few lots above 1100m². There are a number of double lots with houses extending over two lots such as at 164 LSD and 168 LSD (close to the site) and 110 LSD, 114 LSD, 130 LSD, 174 LSD, 177 LSD and 200 LSD.

The existing character of residential development consists of single dwelling development of mixed scale, form and era. Key elements and influences on existing character are:

- a strong orientation towards the coast and the outlook available to Pitt Water and Frederick Henry Bay with buildings elevated to obtain views and parking often located to not obstruct views;
- west to south-west aspect with a slope of 1 in 6 consistent across the residential zone, with the foreshore taking on a steeper grade;
- limited infrastructure consisting of a road with restricted on-street parking and no footpath or kerb;
- reliance on onsite stormwater and wastewater necessitating larger open space areas dedicated to onsite services; and
- increasing in scale and level of amenity (i.e., sealed park, garages and carports) with newer builds and refurbishments relatively to original forms, such as at 148 LSD, 151 LSD, 164 LSD and 172 LSD;
- a mixture of single and double storey dwellings with all dwellings being single storey facing the street but some using the gradient to provide two stories; and
- a varied design form and use of materials and colour yet with some commonality of design strategies that maintain a modest residential form. These strategies include contained footprints, centralising the highest built feature, curved and multi-plane roofs, staggered walls and mixture of external cladding.



Figure 3. 163 LSD (closest) and 165 LSD as viewed from the north-west corner of the development site.



Figure 4. 159 LSD as viewed from the south-west corner of the development site.



Figure 5. View from lower deck of 159 LSD.



Figure 6. View from guest house deck of 159 LSD.



Figure 7. Development on the opposite side of LSD.



Figure 8. Street facing south and north from frontage of development site.



Figure 9. Typical separation in the area.

163 LSD, which adjoins on the southern side, consists of a single-storey, split level dwelling constructed in 2001 with outbuildings on the frontage and foreshore side and a pool on the foreshore side. The dwelling has a 17.7m front setback, 2.66m southern side setback, 1.2m northern side setback and a foreshore setback of some 20m. The northern elevation consists of a gable roof with a height of 4.8m and a maximum length of 7.6m.

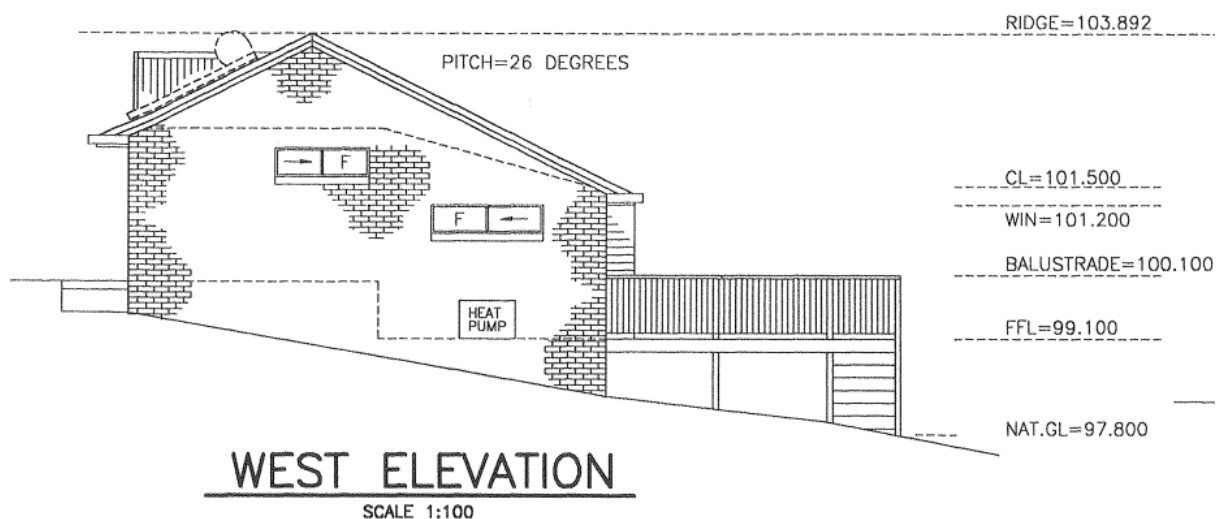


Figure 10. Extract of plans for 163 LSD.

159 LSD, which adjoins the property to the north, is a two-storey split level dwelling constructed in 2000 with an outbuilding and a guest house / studio located between the dwelling and the frontage. The dwelling is setback some 30m from frontage, 1.5m from the northern side boundary (which adjoins an unformed 4m wide footway), 4.5m (approx.) southern side setback and a 5.5m foreshore setback. The side elevations have a curved roof with a maximum height of 7m and a length of 11.5m. The outbuilding is 7m x 7m and setback approximately 1.5m from the shared boundary.

This southern elevation of the dwelling (facing the proposal) contains bedrooms on the upper and lower level. The living areas of the dwelling are contained to the middle and northern parts. There is an elevated deck on the foreshore side which is predominantly positioned in front of the upper level bedroom as well as a lower deck close to the shared boundary. There is a further elevated deck on the western side of the guesthouse / studio.

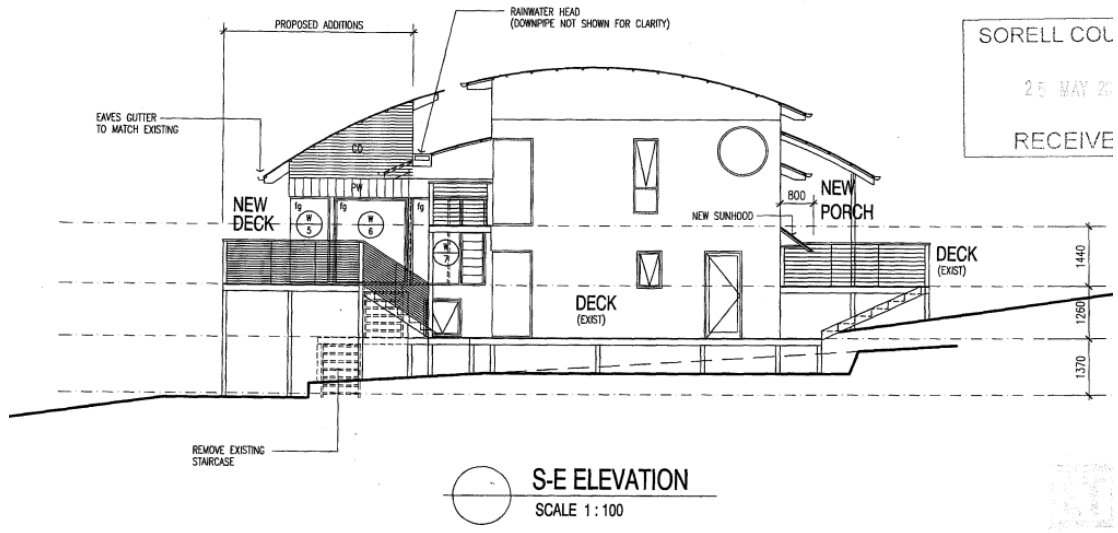


Figure 11. Extract of plans for 159 LSD.

Table 1 provides an overview of nearby dwellings on the foreshore side of LSD.

Table 1.									
Address	Scale	Era	Frontage	Northern	Southern	Foreshore	Side elevation form	Side elevation height	Side elevation length
Proposal – 161 LSD	Two storey on block subfloor	-	10.6m	1m	2.1m	11.3m	Low side of flat skillion	7.5m	23.5m
163 LSD	Single-storey, split-level	2001	17.7m	1.2m	2.67m	20m *	Gable	4.8m	7.6m
165 LSD	Two-storey	2005	30m	3.6m	2.7m	6m *	Parapet	6.1m	10.3m
167 LSD	Single-storey	1991	10.6m	1.7m	1.7m	19m *	Standard wall	5.2m	9.8m
169 LSD	Two-storey split level	2004	9m	2.8m	2m	10m *	Standard wall	6.5m	13.5m
159 LSD	Two-storey split level	2000	30m *	1.5m (adjoins 4m wide footwa7(4.5m *	5.5m	Curved Gable	7m	11.5m
151 LSD	Single storey	Early shack	-	-	-	-	-	-	-
149 LSD	Two storey (single		30m	2m	2.1m	10.5m	Gable	6.5m	13m & 10.5m

	facing street)								
147 LSD	Two storey (single facing street)	2022	22m *	1.8m	3m	8.5m	Gable (low profile)	7.35m	7.5m at 1.8m setback and 8.5m at 2.5m setback (northern elevation)
(*) Approximate									

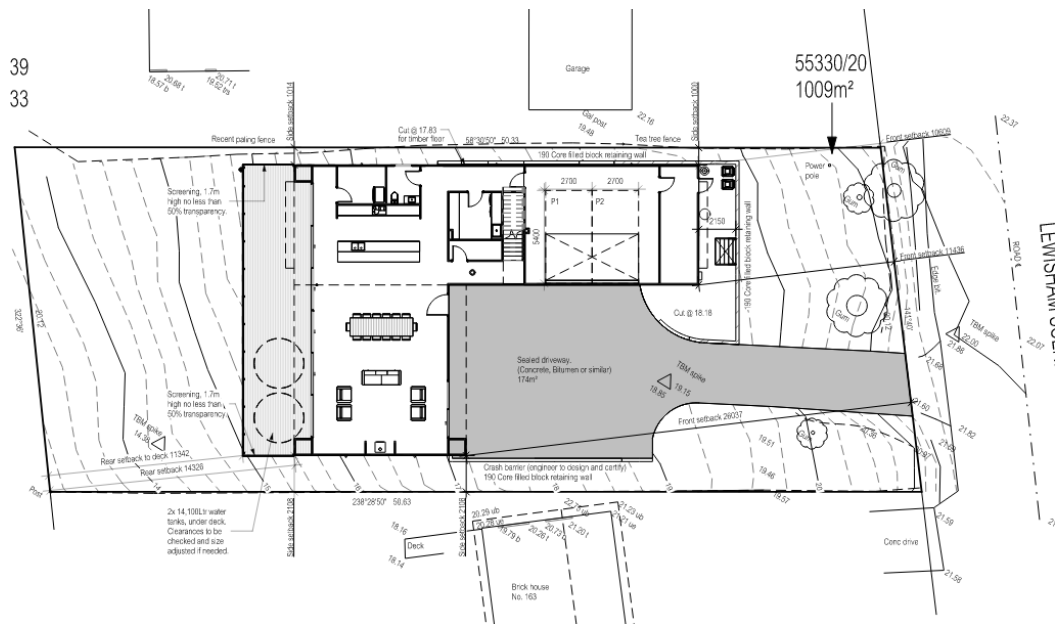


Figure 12. Extract of proposed site plan.

The impact of the proposal – overshadowing

The higher parts of the building are located on the northern side of the property which minimises overshadowing impact. Notwithstanding this, the proposal provides a 5.7m high wall setback 2.1m from the shared southern boundary.

The perspective shadow diagrams confirm that north facing windows of the adjoining dwelling at 163 LSD (which are for a bathroom and living room) are overshadowed from between 2pm and 3pm during mid-winter. As the windows are unaffected before 2pm, this impact is not considered unreasonable.

In terms of private open space, there are sections in shade throughout the day. The private open space of 163 LSD is considered to consist of all of the foreshore side of the dwelling, inclusive of the raised deck, the pool in the south-west corner, a garden patio in the north-west corner and landscaped areas. The land application area for the property is contained in the grass area between the dwelling and pool. The full impact to private open space is difficult to evaluate as the perspective shadow diagrams omit lot boundaries and features such as the deck and pool. Based on the available information it is considered that the deck and pool is not subject to shadowing until some point between 12pm and 1pm. The deck would be in shade between 11am by the dwelling on the property while the pool would be unlikely to experience shadowing before 12pm.

The impact of the proposal – overlooking

On the southern elevation the proposed dwelling consists of a solid block wall with a maximum height of 3.2m and solid timber cladding to the lower level. The upper

level includes south facing windows for bedrooms and bathrooms that are 12 metres from the boundary. The impact to the south is minimal.

On the upper level of the northern elevation there are two highlight windows to a hallway and one opaque floor to ceiling window to a wardrobe. The lower level includes one floor to ceiling opaque window to a bathroom and one floor to ceiling window for a hallway. The impact to the north is minimal.

To both sides the deck which has a height of 3.2m above natural ground level is screened to a height of 1.7m with minimum 50% transparency. The impact associated with the deck is minimal.

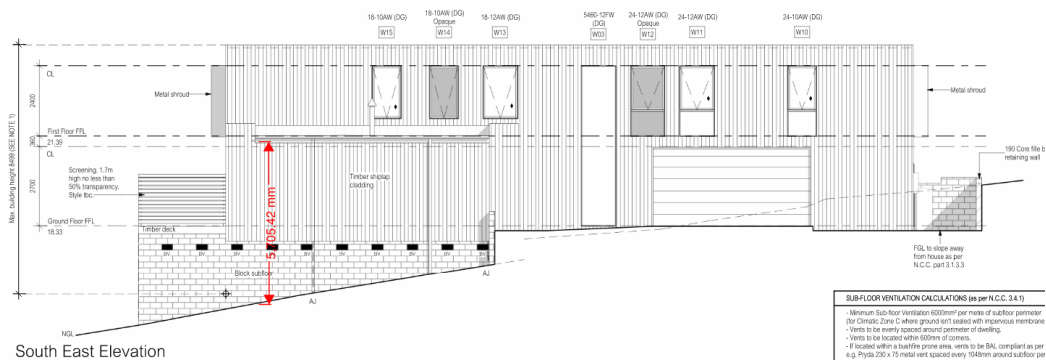


Figure 13. Extract of proposed southern elevation (measurements added).

The impact of the proposal – visual impact

The appearance of the dwelling as viewed from the south (163 LSD) consists of the blank wall close to the boundary and the larger component further setback. The height of the closest section (5.7m), as well as its blank expression and length (10m wall, 13m block subfloor), is comparable to that of several outbuildings nearby such as at 171 LSD and 145 LSD. This section is adjacent to the deck on 163 LSD which is oriented to the west/south-west whilst also taking on relatively uninterrupted 180 degree views. From the south, the proposal will have a visual impact but not one that is unreasonable.

The appearance of the dwelling as viewed from the north (159 LSD) consists of a single timber clad wall of 23.5m in length and with a height ranging from 4.3m to 7.5m. On the frontage and foreshore side, metal shrouds to front and rear facing windows extend beyond the wall. The roof plane is low profile and will be visible from elevated positions only. There are five windows in total, two highlight windows and three floor to ceiling windows, two of which are opaque. Three downpipes will also be visible along with portions of the retaining wall. The proposed dwelling is largely 'behind' the dwelling to the north at 159 LSD with the northern elevation is adjacent to an outbuilding and part of the south-facing wall.

South-facing windows are associated with bedrooms; with one large round window for a wardrobe and other smaller windows. The most significant windows are corner windows that obtain the view to the south-west.

The visual impact to private open space of 159 LSD is greater than the impact to habitable rooms within the dwelling on 159 LSD.

159 LSD has a ground level deck in the south-west corner that is utilised for outdoor dining and other recreation. As the foreshore contains high and dense vegetation adjacent to this deck it is not oriented towards the coast. From this position the proposed structure will be the dominant visual feature. Due to the minimal setback of 1m, there is no mitigation of the bulk and scale of the development through design strategies such as setback, stepping of the structure, choice of material or colour or use of landscaping.

159 LSD has an elevated deck on the western elevation of the guest house / studio. This can obtain views to the north-west over the adjacent unformed walkway or to the south-west through the development site. Adjacent to this deck and positioned at ground level is the site's sole area of levelled ground. From this position the proposed structure will be the dominant visual feature. Due to the minimal setback of 1m, there is no mitigation of the bulk and scale of the development through design strategies such as setback, stepping of the structure, choice of material or colour or use of landscaping. From both positions the proposed structure will be the dominant visual feature. Due to the minimal setback of 1m, there is no mitigation of the bulk and scale of the development through design strategies such as setback, stepping of the structure, choice of material or colour or use of landscaping. One existing tree on 159 LSD partly mitigates this visual impact but is a feature entirely separate to the development site.

The northern elevation will also be prevalent from the street due to its height, scale and minimal setback in relation to existing development. However, street level considerations are limited as this would not be considered an 'adjoining property'.

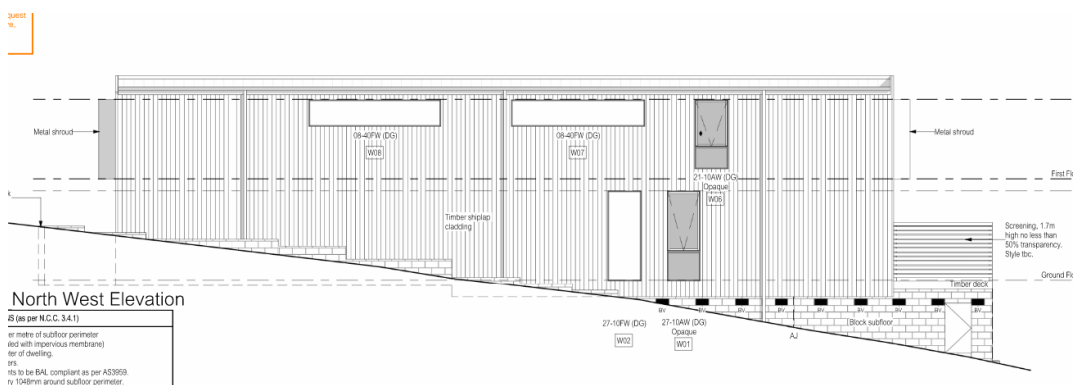


Figure 13. Extract of proposed northern elevation.

Consideration of the performance criteria

The consideration is whether the loss of amenity, as described above, to adjoining properties is unreasonable or not. The performance criteria is limited to adjoining, rather than adjacent, properties meaning that a shared boundary is necessary in order to consider the level of impact.

With respect to each of the matters that are to be considered:

- (a) The topography of the site is consistent with the adjoining property and has no substantive effect on the level of impact.
- (b) The lot is oriented with an east-west alignment and aspect facing the coast to which all dwellings in the area are aligned to.
- (c) The proposal is sited 'forward' of the dwelling to the south and 'behind' the dwelling to the north. There is evidence that the dwelling has been sited and designed in response to the setbacks of existing buildings.
- (d) The height and bulk of the proposal building is greater than that which is established in the area and the form is simpler and less articulated. The design and siting of the dwelling, particularly the configuration and scale of the floor layout, directly results in a visually dominant mass wall that cannot be mitigated by any design strategy as it is only 1m from the boundary. The wall will have an unreasonable impact on the amenity of 159 LSD principally due to the proximity to private open space and in particular the existing decks and levelled open space areas.
- (e) There are no existing buildings or private open space areas on the site.
- (f) The effect on sunlight to private open space is not conclusively shown by the proposal but may not be significant based on the information provided. The effect on habitable rooms is reasonable.
- (g) The height and bulk of the proposal is greater than that which is established in the area and the form is simpler and less articulated. The proposed setback of the main building element is less than the setback of any dwelling established in the area. The effect of each of these elements (height, bulk, form, setback) will result in an outcome that is inconsistent with the character of the area. The adjoining properties have a reasonable expectation based both the planning scheme standards that exist today and of previous iterations and the existing character of development on established properties that a wall of this height, bulk and form should not be established with only a minimal boundary setback.

Code

Parking and Sustainable Transport Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C2.5.1 A1	Parking numbers	Yes, as two spaces are provided.
C2.6.1 A1	Construction	Yes, as a concrete surface is provided.
C2.6.2 A1.1	Layout	Yes, all relevant standards are complied with.
C2.6.3 A1	Accesses	Yes, a single access is provided.

Road and Railway Assets Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C3.5.1 A1	Traffic generation	Yes, as additional residential traffic is within the allowable limits.

Southern Beaches Onsite Wastewater and Stormwater Specific Area Plan

Applicable SAP standards		
Clause	Matter	Complies with acceptable solution?
SOR-S2.7.1 A1	Onsite wastewater	No, as more than 20% of the site is covered by buildings, vehicle access and other development and is located on land within a landslip hazard area and a waterway and coastal protection area. Refer to performance criteria assessment below.
SOR-S2.7.2	Stormwater management	No, as the site is not capable of connecting by gravity to a public stormwater system. Refer to performance criteria assessment below.

Performance Criteria Assessment 2 –SOR-S2.7.1 P1 Onsite wastewater

The site must provide sufficient area for management of on-site waste water, having regard to:

- (a) the topography of the site;*
- (b) the capacity of the site to absorb wastewater;*
- (c) the size and shape of the site*
- (d) the existing buildings and any constraints imposed by existing development;*
- (e) the area of the site to be covered by the proposed development;*
- (f) the provision for landscaping, vehicle parking, driveways and private open space;*
- (g) any adverse impacts on the quality of ground, surface and coastal waters;*

- (h) *any adverse environmental impact on surrounding properties and the locality; and*
- (i) *any written advice from a suitably qualified person (onsite waste water management) about the adequacy of the on-site waste water management system.*

Council's Manager Health and Compliance has reviewed the application and is satisfied that the proposal can adequately provide for onsite wastewater management. The following conditions are recommended to be included in any permit granted:

- (1) *At least 30m² of land must be reserved on-site for wastewater treatment which is located at least 5 m from the downslope boundary and 1.5m from all other boundaries.*
- (2) *Driveways, parking areas, impervious sealing and buildings are not permitted in the area reserved for wastewater treatment.*
- (3) *An aerated wastewater treatment system (or equivalent) must be used for wastewater treatment, which discharges into an absorption bed.*

Performance Criteria Assessment 3 –SOR-S2.7.2 P1 Onsite stormwater

Development must be capable of accommodating an on-site stormwater management system adequate for the development, having regard to:

- (a) *topography of the site;*
- (b) *the size and shape of the site;*
- (c) *soil conditions;*
- (d) *any existing buildings and any constraints imposed by existing development on the site;*
- (e) *any area of the site covered by impervious surfaces*
- (f) *any watercourses on the land;*
- (g) *stormwater quality and quantity management targets identified in the State Stormwater Strategy 2010; and*
- (h) *any advice from a suitably qualified person on the seasonal water table at the site, risks of inundation, land instability or coastal erosion*

The stormwater assessment from Enviro-tech demonstrates that overflow from the rainwater tank can be managed by a 19m long and 0.2m high raised absorption bed located below the onsite wastewater management system and close to the boundary.

In the vicinity of the area there are known foreshore landslip issues associated with uncontrolled runoff, onsite stormwater management and onsite wastewater management systems that may be located too close to the foreshore. The proposal does minimise this risk through control over all impervious surfaces and benefits

from the extent of vegetation on the foreshore. Nevertheless, advice should be included on any permit granted of these risk factors.

Representations

Clause 6.10.1 of the planning scheme requires the consideration of any representation received but 'only insofar as each such matter is relevant to the particular discretion being exercised'.

One representation was received, which is addressed in the following table.

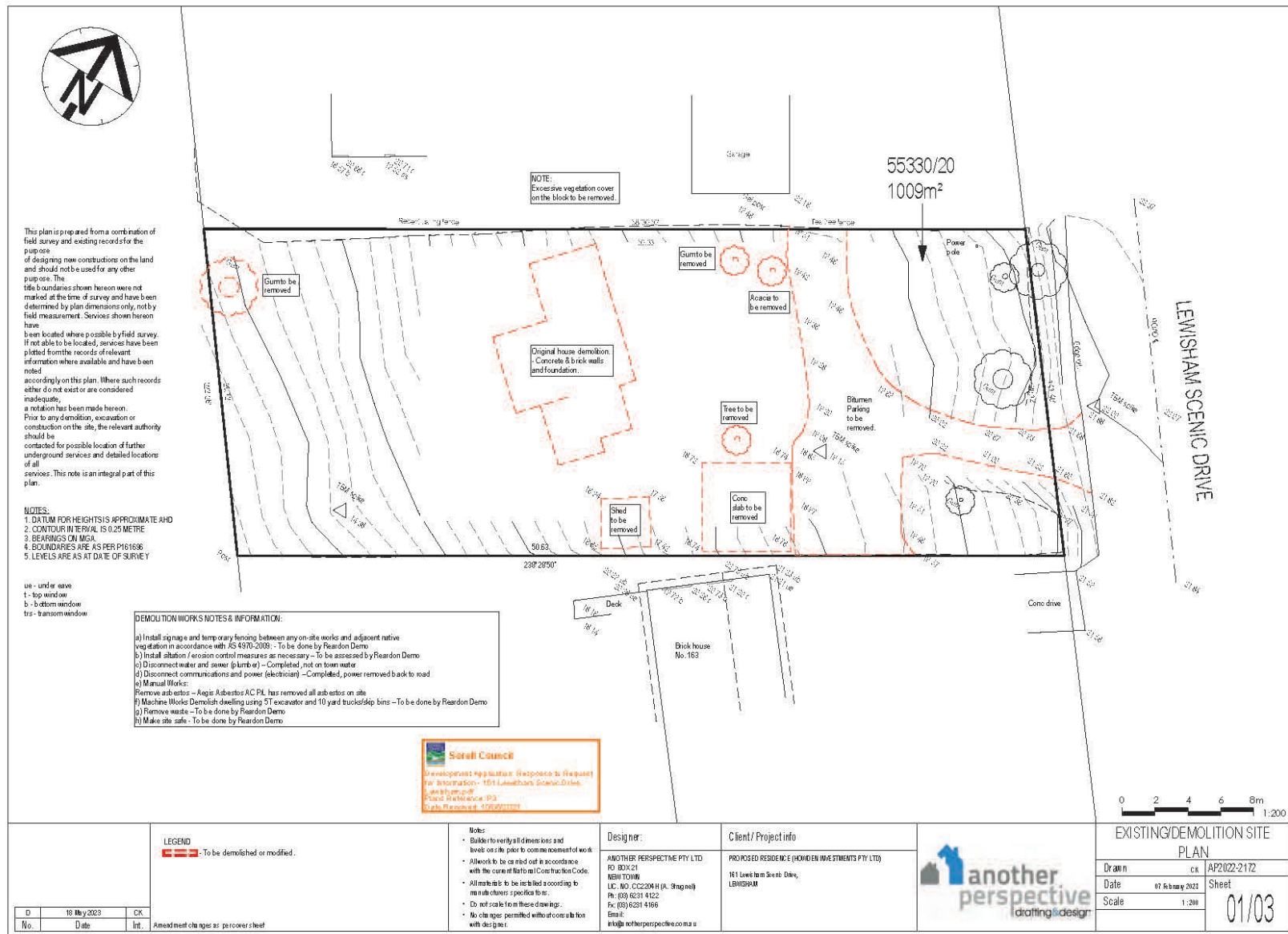
Issue	Relevant Clause	Response
Height and setback is out of character with the surrounding area and will directly impact residential amenity.	10.4.3 A2/P2 Setback	These issues are addressed earlier in the report. The concerns are valid and it is considered that they warrant refusal of the proposal as discussed above.

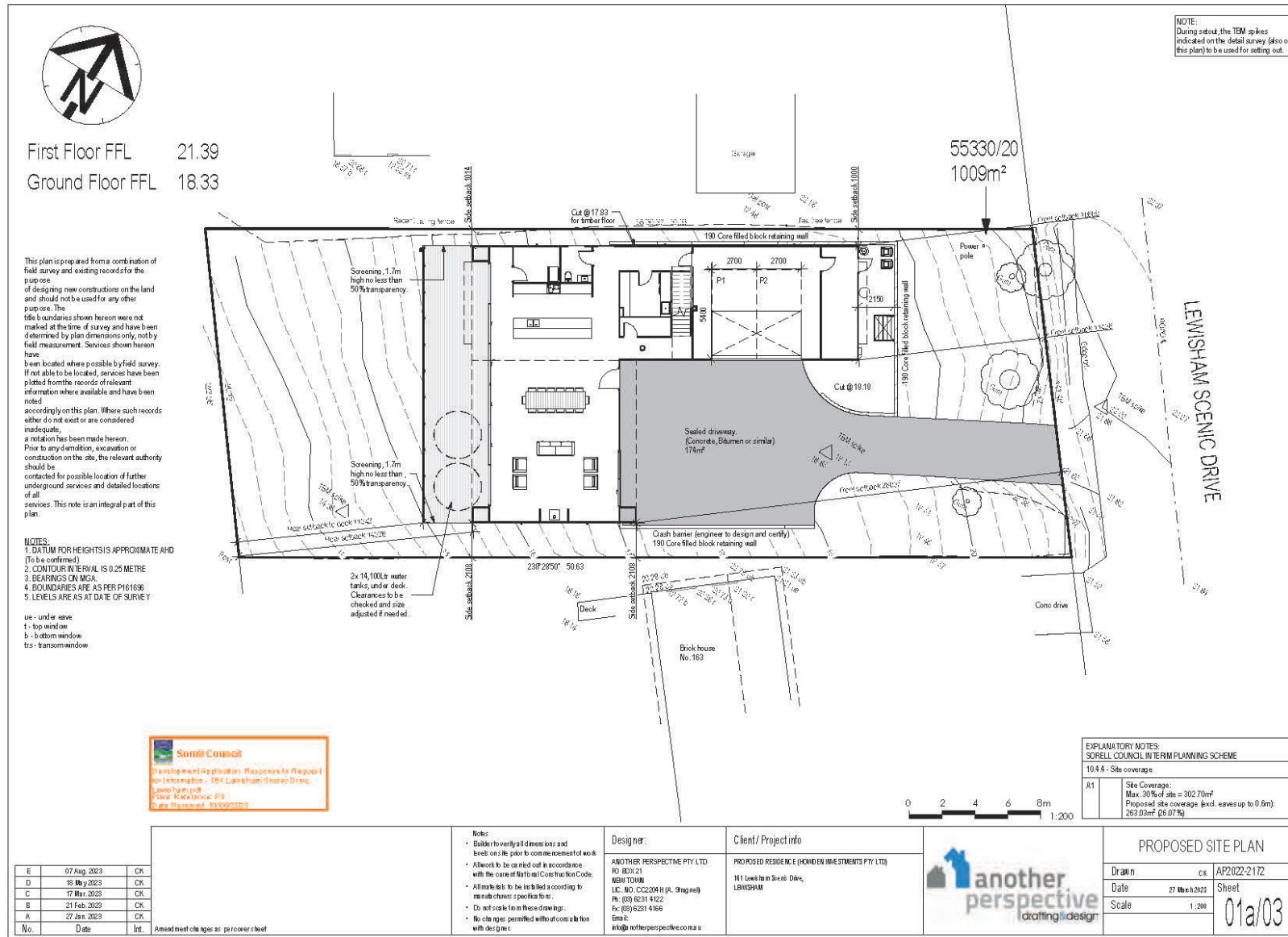
Conclusion

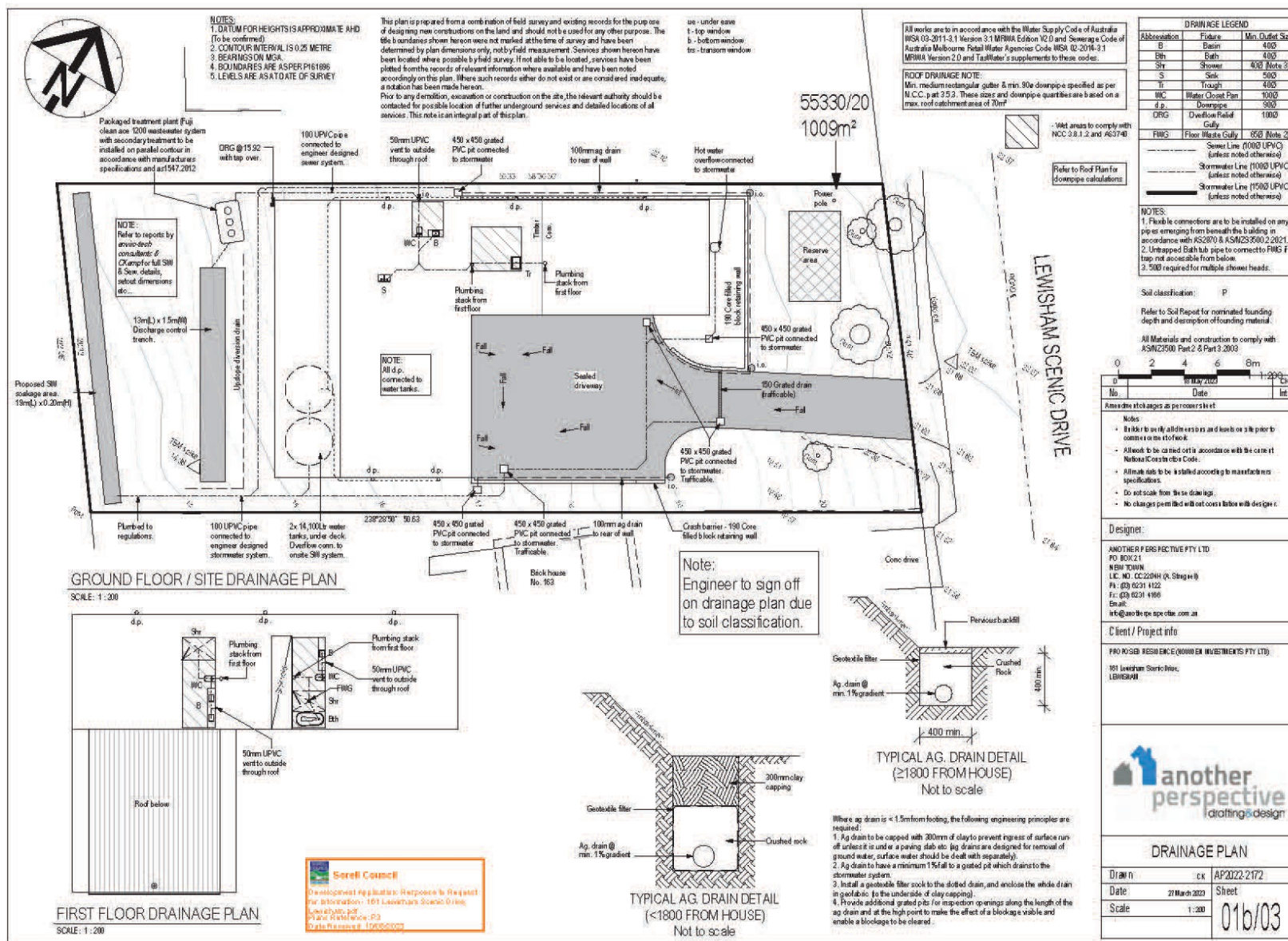
The application is considered to not comply with each applicable standard of the *Tasmanian Planning Scheme - Sorell* and is recommended for refusal.

Shane Wells
Manager Planning

Attachments:
Town Planning submission
Proposal Plans









AGENDA
SORELL PLANNING AUTHORITY (SPA) MEETING
26 SEPTEMBER 2023



AGENDA
SORELL PLANNING AUTHORITY (SPA) MEETING
26 SEPTEMBER 2023



NOTE 1:
Max. building height based on
TBM spikes set by surveyor. TBM
spikes to be used for setting out.

Drawn	OK	AP2022-2172
Date	27 March 2023	Sheet
Scale	1:100	03/0
Copyright ©		



All lightweight cladding to be installed to manufacturer's guidelines. Refer to manufacturer's documentation.

- W06, W10, W11, W15
Protection of operable windows to comply with N.C.G. 3.9.2.6 & 3.9.2.7

NOTE 1:
Max. building height based on
TBM spikes set by surveyor. TBM
spikes to be used for setting out.



E	07 Aug. 2023	OK	Amendment changes as per cover sheet
C	17 Mar. 2023	OK	
B	21 Feb. 2023	OK	
A	27 Jan. 2023	OK	
No.	Date	Int.	

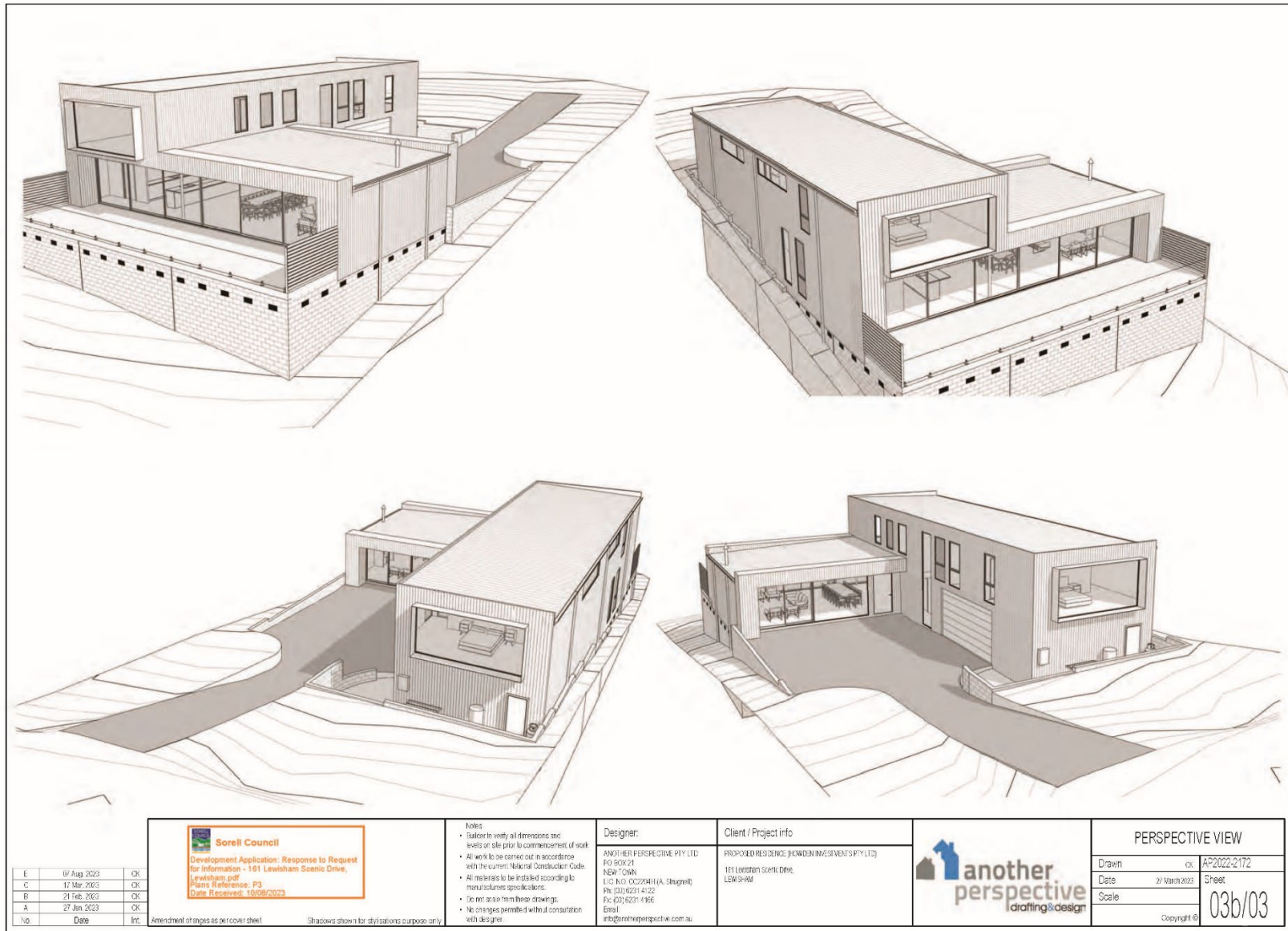
LEGEND:
AJ - Articulation Joint
BV - Brick Vent

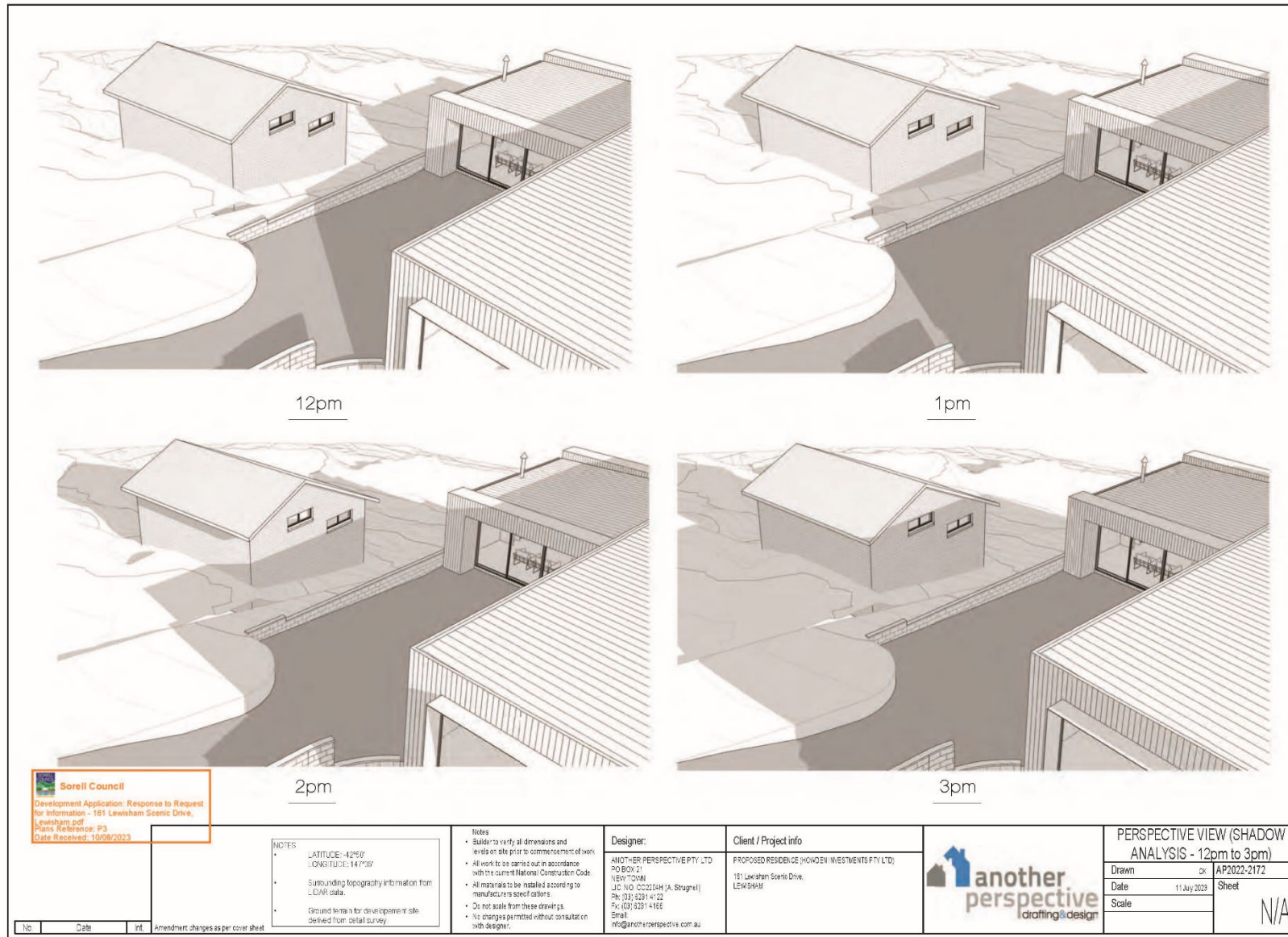
- Notes
- Builder to verify all dimensions and levels on site prior to commencement of work
 - All work to be carried out in accordance with the current National Construction Code.
 - All materials to be installed according to manufacturers specifications.
 - Do not scale from these drawings.
 - No changes permitted without consultation with designer.

Designer:
ANOTHER PERSPECTIVE PTY LTD
PO BOX 21
NEW TOWN
U.C. NO. CC2204H (A. Strugnell)
Ph: (03) 6231 4122
Fax: (03) 6231 4166
Email:
info@anotherperspective.com.au

Client / Project info	PROPOSED RESIDENCE (HOWDEN INVESTMENTS PTY LTD) 161 Lowstart Scenic Drive, LEWISHAM
-----------------------	---

ELEVATIONS SHEET 2	
OWN	OK
DATE	27 March 2023
SCALE	1" = 100'
Copyright ©	







1



Town Planning advice For Another Perspective

New Dwelling at 161 Lewisham Scenic Drive, Lewisham 7173
Planning application reference: DA-2023/75-1

Sorell LPS and Tasmanian Planning Scheme
 Sorell Council municipality
 8 August 2023



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26 SEPTEMBER 2023

Gray Planning
224 Warwick Street
West Hobart TAS 7000

8 August 2023

Another Perspective
PO Box 21 NEW TOWN
TAS 7008

Dear Mr French,

I refer to recent discussions with you in relation to the planning application for a new dwelling at 161 Lewisham Scenic Drive, Lewisham and the planning application DA-2023/75-1 which is currently on hold pending the lodgement of further information.

Gray Planning has been engaged to undertake a planning assessment and provide advice to confirm the compliance of the proposed development against clause 10.4.3 P2 with respect to the setback of the proposed dwelling from side boundaries of the subject site.

Please find attached a town planning report providing commentary against clause 10.4.3 P2 for the applicable Low Density Residential zone under the State Planning Provisions.

It is intended that the information contained therein will assist Council in determining the compliance of the proposed development.

Should you have any questions about the content of the report, please do not hesitate to contact me on 0439 342 696.

Yours faithfully



Danielle Gray B.Env.Des. MTP. MPIA
Principal Consultant, Gray Planning



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1 Introduction

1.1 Purpose

The purpose of this report is to provide planning responses to the about the compliance of the proposed dwelling with respect to side boundary setbacks for the Low Density Residential zone under the State Planning Provisions and the Sorell LPS.

1.2 Copyright

The report is subject to copyright the owner of which is Danielle Gray Planning, trading as Gray Planning. All unauthorised copying or reproduction of this report or any part of it is forbidden by law and is subject to civil and criminal penalties as asset out in the *Copyright Act 1968*. All requests for permission to reproduce this report or its contents must be directed to Danielle Gray.

This document may only be used for the purposes for which it was commissioned and in accordance with the Terms of Engagement for the commission.

Last updated: 8 August 2023

Report Author: Danielle Gray

Version 1.0



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2 Scope of assistance

2.1 Request for town planning advice

Gray Planning was approached by Another Perspective in June 2023 to provide town planning guidance and assistance with respect to further information being requested by Sorell Council for DA-2023/75-1 which seeks approval for the construction of a single dwelling at 161 Lewisham Scenic Drive, Lewisham (the 'subject site').

Gray Planning was engaged to undertake town planning assistance comprising assessment, a site inspection and production of advice to address outstanding item #4 in Council's request for further information letter dated 31 May 2023.

This letter requested the following information be provided to assist Council in their assessment of the proposed development:

- 4. As the building does not meet the side setback requirements, provide a written response to clause 10.4.3 P2: The siting of a dwelling must not cause an unreasonable loss of amenity to adjoining properties, having regard to:*
- (a) the topography of the site;*
 - (b) the size, shape and orientation of the site;*
 - (c) the setbacks of surrounding buildings;*
 - (d) the height, bulk and form of existing and proposed buildings;*
 - (e) the existing buildings and private open space areas on the site;*
 - (f) sunlight to private open space and windows of habitable rooms on adjoining properties; and*
 - (g) the character of development existing on established properties in the area.*

The following report provides responses to address the above item #4 in the Council RFI.



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3 The subject site and adjacent properties

3.1 The subject site

The subject site is 161 Lewisham Scenic Drive and has frontage onto Lewisham Scenic Drive to the eastern 'frontage' boundary of the site.

The subject site also has frontage onto a Crown waterfront reserve to the western boundary.

The subject site at the time of inspection on 2 August 2023 was vacant with the previous dwelling and outbuilding demolished.

As a result, the subject site is vacant and contains primarily grass with several large eucalyptus trees located close to the eastern frontage boundary with Lewisham Scenic Drive.

The subject site is on a large allotment measuring 1009sqm that is unserviced with sewer or water.

Lewisham Scenic Drive is bitumen sealed but has no kerb and gutter (or stormwater traps) or footpath infrastructure along its length.

The lot site contains the remnants of formerly exotic garden and has regular rectangular configuration with a moderate gradient that is around 1 in 5 (20%).

The subject site (and surrounding area) has expansive water views to the west.

3.2 Neighbouring properties

During the site inspection, development on the adjoining lots to the north (159 Lewisham Scenic Drive) and to the south (163 Lewisham Scenic Drive) were observed from within the subject site to determine living areas withing these dwellings, the location of private open space and the placement and outlook of these dwellings.

163 Lewisham Scenic Drive is a single storey brick dwelling that is located to the south of the subject site. The dwelling is located centrally within the site and is orientated West South West. The outlook of the dwelling is toward the water views to the west of the site. The dwelling is located less than 1 metre to the side boundary shared with the subject site. This property has a ground level pool in the rear west facing garden, an outbuilding and landscaped garden around the pool.

The dwelling has a small unscreened deck located on its western façade that faces the water views to the west. There is no vegetation within 163 Lewisham Scenic Drive that provides any screening from the subject site.

159 Lewisham Scenic Drive is located to the north of the subject site and contains a single dwelling and outbuildings. The dwelling is double storey and is located close to the western frontage boundary of the site, close to the Crown waterfront reserve. The property is orientated toward the west and has living areas and an unscreened deck located on its



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southern boundary, adjacent to the subject site. The outlook of the dwelling is primarily toward the water views to the west of the site. The dwelling appears to be located less than 1 metre to the side boundary on the north but is located more than 3 metres from the southern side boundary shared with the subject site. There are multiple large Eucalyptus trees located within 159 Lewisham Scenic Drive that provide some degree of screening to the subject site at 161 Lewisham Scenic Drive.



Figure.1. The subject site shown outlined with surrounding residential development on a moderate west facing hillside slope that overlooks the Lewisham waterfront to the west. The above aerial shows the subject site with the former residence and outbuilding that have been since demolished. Source: TheLIST, sourced August 2023. No nominated scale.



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Figure.2. The subject site shown outlined with surrounding residential development. Without exception, residences are orientated toward the water views to the west, regardless of the orientation of the individual lot or location on Lewisham Scenic Drive. Source: TheLIST, sourced August 2023. No nominated scale.



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Figure.3. The subject site shown arrowed centrally with surrounding residential development. Without exception, properties have buildings that are typically located close to side boundaries. Many have side boundary setbacks of 1m or less. Houses are generally centrally located within lots with dwellings on the lower western side of Lewisham Scenic Drive often located closer to the western boundary adjacent to the Crown waterfront reserve. What is clear in the area surrounding the subject site is that there is a consistent pattern of houses being located less than 3m to side boundaries, regardless of the size of the lot or the size of the house. Source: TheLIST, sourced August 2023. No nominated scale.



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Figure.4. The subject site shown outlined with 159 Lewisham Scenic Drive to the north noted. Likewise, 163 Lewisham scenic Drive to the south is also noted. Source: TheLIST, sourced August 2023. No nominated scale.



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4 The proposal plans

As part of Gray Planning's assessment, amended proposal plans have been provided by Another Perspective and form part of the planning assessment and further information response to be lodged back to Council.

These comprise:

- Amended proposal plans, Version E. These plans remain unchanged from the most recent copy held by Council but contain amendments to the proposed west facing deck. These amendments include the addition of screens on both the north facing and south sides of the deck. These screens are noted on the Version e plans as follows: *Screening, 1.7m high no less than 50% transparency.*
- Additional shadowing diagrams produced by Another Perspective dated 11 July 2023, in addition to shadow diagrams dated 27 March 2023.



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5 Site images

The following images of the subject site and adjacent residential properties were taken between 10am and 11:15am on Wednesday 2nd August 2023.



Image.1. Looking due west from the driveway entrance with Lewisham Scenic Drive within the subject site toward the western boundary that fronts Crown land. Source: Gray Planning, iphone 14 Pro image, no modification, taken at a height of 1.5m above NGL. Taken between 10am and 11:15am 2 August 2023.



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Image.2. Looking south west within the subject site toward the southern side boundary and the neighbouring dwelling at 163 Lewisham Scenic Drive. Source: Gray Planning, iphone 14 Pro image, no modification, taken at a height of 1.7m above NGL. Taken between 10am and 11:15am 2 August 2023.



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Image.3. Looking south east within the subject site toward the southern side boundary and the neighbouring dwelling at 163 Lewisham Scenic Drive. Source: Gray Planning, iphone 14 Pro image, no modification, taken at a height of 1.5m above NGL. Taken between 10am and 11:15am 2 August 2023.



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Image.4. Looking south within the subject site toward the southern side boundary and the neighbouring dwelling at 163 Lewisham Scenic Drive. Source: Gray Planning, iphone 14 Pro image, no modification, taken at a height of 1.5m above NGL. Taken between 10am and 11:15am 2 August 2023.



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Image.5. Looking south within the subject site toward the neighbouring dwelling and rear garden area at 163 Lewisham Scenic Drive. Source: Gray Planning, iphone 14 Pro image, no modification, taken at a height of 1.8m above NGL. Taken between 10am and 11:15am 2 August 2023.



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Image.6. Looking north west within the subject site toward the neighbouring dwelling at 159 Lewisham Scenic Drive. Source: Gray Planning, iphone 14 Pro image, no modification, taken at a height of 1.5m above NGL. Taken between 10am and 11:15am 2 August 2023.



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Image.7. Looking north west within the subject site toward the neighbouring dwelling at 159 Lewisham Scenic Drive. Source: Gray Planning, iphone 14 Pro image, no modification, taken at a height of 1.5m above NGL. Taken between 10am and 11:15am 2 August 2023.



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Image.8. Looking west north west within the subject site toward the neighbouring dwelling at 159 Lewisham Scenic Drive. Source: Gray Planning, iphone 14 Pro image, no modification, taken at a height of 1.5m above NGL. Taken between 10am and 11:15am 2 August 2023.

Image.8. Looking west north west within the subject site toward the neighbouring dwelling at 159 Lewisham Scenic Drive. Source: Gray Planning, iphone 14 Pro image, no modification, taken at a height of 1.5m above NGL. Taken between 10am and 11:15am 2 August 2023.



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Image.9. Looking south within the subject site toward the neighbouring dwelling at 165 Lewisham Scenic Drive which has side boundary setbacks of less than 5m and also has privacy screening noted along the first floor level deck to avoid overlooking into 163 Lewisham Scenic Drive. Source: Gray Planning, iphone 14 Pro image, no modification other than zoom in, taken at a height of 1.5m above NGL. Taken between 10am and 11:15am 2 August 2023.



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6 Applicable Planning Scheme Zone

The subject site at 161 Lewisham Scenic Drive at Lewisham is zoned Low Density Residential under the *Sorell Local Provisions Schedule*.

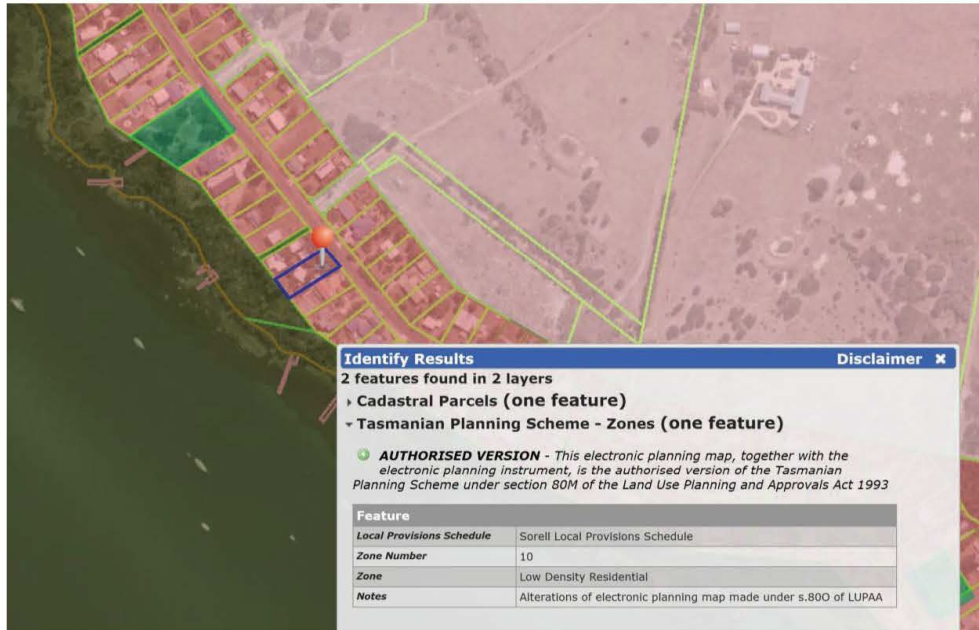


Figure.5. The subject site shown outlined with surrounding residential development. The darker pink is the extent of the Low Density Residential zone. Source: TheLIST, sourced August 2023. No nominated scale.



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7 Applicable clause

The clause in question that Council seeks further information on is clause 10.4.3 A2 and P2 with respect to side boundary setbacks of buildings in the Low Density Residential zone.

The A2 Acceptable Solution requires Dwellings, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally from the building, must have a setback from side and rear boundaries of not less than 5m.

The submitted plans show the following setbacks:

- 2.108m from the southern side boundary and
- 1.014m from the norther side boundary.

On that basis, the proposal must demonstrate compliance with the following P2 Performance Criteria:

The siting of a dwelling must not cause an unreasonable loss of amenity to adjoining properties, having regard to:

- (a) the topography of the site;*
- (b) the size, shape and orientation of the site;*
- (c) the setbacks of surrounding buildings;*
- (d) the height, bulk and form of existing and proposed buildings;*
- (e) the existing buildings and private open space areas on the site;*
- (f) sunlight to private open space and windows of habitable rooms on adjoining properties;*
- and*
- (g) the character of development existing on established properties in the area.*

The 5m setback to side boundaries for Dwellings (which includes outbuildings not specifically meeting the exemption of having a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally from the building) is considered largely unrealistic to achieve for a new dwelling on the subject site but also the vast majority of Low Density Residential zoned properties along Lewisham Scenic Drive.

The subject site is 20.12m in total width. To comply with a 5m setback from both north and south side boundaries would result in a dwelling no wider than 10m at any point.

There are no properties in the surrounding area that comply with 5m setbacks from all applicable side boundaries for all buildings.

164 Lewisham Scenic Drive has a centrally located dwelling straddling two titles that make up the property. While the dwelling is located more than 5m to the south and north side boundaries, the dwelling straddles the central boundary and does not comply with setbacks from this boundary.

Most setbacks for dwellings or outbuildings vary between less than 1m to around 3m. Many appear to be around 1 to 2m to side boundaries with a setback of between 1 and 2m appear to be the most common setback to side boundaries for buildings.



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On that basis, there is a pervasive and widespread pattern of development in the area surrounding the subject site where dwellings are located typically 2m or less to side boundaries.

The proposal has been carefully considered when it comes to impact on neighbours to the north and south at 163 and 159 Lewisham Scenic Drive, despite the requested relaxation of side boundary setbacks.

The following design considerations have been undertaken to reduce the impact on adjoining properties to the north and south:

- The proposed dwelling has been pushed toward the western frontage boundary but has still been setback 11.3m from the western boundary so the neighbour to the north at 159 Lewisham Scenic Drive can still achieve views across the site to the south west.
- The double storey component of the dwelling has been placed on the northern side of the subject site to significantly reduce overshadowing impact cast south toward 163 Lewisham Scenic Drive.
- The ground floor portion of the dwelling (that contains the living and dining area) located close to the boundary shared with 163 Lewisham Scenic Drive is located forward (further west) of the dwelling at 163 Lewisham Scenic Drive to avoid it being placed directly adjacent to the neighbouring dwelling. The open driveway manoeuvring area is proposed adjacent to the dwelling at 163 Lewisham Scenic Drive to avoid any building resulting in overlooking, visual bulk or overshadowing impact on the neighbouring house or deck.
- The proposed deck for the new dwelling has now been screened with screening proposed along the full length of the deck on the north and south elevations and this has been noted on Revision E plans. The screening is no less than 1.7m above FFL and no less than 50% transparency. This has been included to avoid any overlooking of the rear garden and pool area at number #163 and also the dwelling and deck at #159.
- Windows in the proposed new dwelling running along the northern boundary are either opaque, highlight windows above eye level or are located in a hallway (non habitable) area. Full length habitable room windows orientated toward #159 have been avoided altogether.
- Windows in the proposed new dwelling on the southern elevation at ground level have been avoided entirely.
- Primary bedroom, living room, kitchen or dining room windows are either located on western or eastern elevations, looking toward the water view or toward the road.

The following provides responses to each of the P2 Performance Criteria.



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The siting of a dwelling must not cause an unreasonable loss of amenity to adjoining properties, having regard to:

Planning Comment:

As outlined previously, the location within the subject site with respect to neighbouring dwellings, the layout, design and configuration of the proposed dwelling has been designed to minimise impact on both neighbours in terms of overlooking, loss of privacy, visual impact and overshadowing.

Overshadowing has been minimised when cast onto #163 by locating all first floor levels on the northern side of the subject site rather than across the entirety of the dwelling footprint.

Overlooking and privacy has been considered by screening on the proposed deck at both ends and the placement, design and glazing of windows, carefully avoiding placing any habitable room windows directly adjacent to and in close proximity to neighbouring dwellings.

The visual impact of the proposed development has been minimised by the placement of the dwelling on the subject site, keeping the two storey portion 'behind' the western building line of the neighbouring dwelling at #159 so they the neighbour can still achieve views from their deck and living rooms across the western portion of the subject site.

The new dwelling has also been located within the subject site to avoid it being placed directly adjacent to the existing neighbour at #163.

(a) the topography of the site;

Planning Comment:

There is a slight gradient increase from south to north across the subject site and neighbouring properties. However, this is extremely minimal and does not exacerbate any overshadowing or visual impact of the proposed development.



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(b) the size, shape and orientation of the site;

Planning Comment:

The maximum width of the subject site at 20.12m does make it difficult to achieve a 5m side boundary setback for a dwelling. To comply would result in a long thin building no more than 10m in width.

At 1009sqm in site area, the size of the subject site and surrounding properties align more closely to the characteristics of General Residential zoned land which allows setbacks to side boundaries of 1.5m or less.

The rationale for the Low Density Residential zoning that triggers a 5m side boundary setback is the lack of servicing in the Lewisham and Dodges Ferry areas, as opposed to the size of lots and pattern of existing established development.

(c) the setbacks of surrounding buildings;

Planning Comment:

As already noted in this report and evident in the aerial images provided within this report, residential development along Lewisham Scenic Drive already has a pattern of development where no property was identified in the surrounding area as having entirely compliant Dwellings and outbuildings in terms of a 5m side boundary setback.

The majority of dwellings and outbuildings appear to have side boundary setbacks of between 1 and 2m, regardless of the size of the site or the house.

There is a readily identifiable and consistent pattern of residential development being located centrally within sites but close to side boundaries.

The proposed dwelling follows that pattern of development.

Both neighbouring properties at #159 and #163 have buildings (including the dwelling at each property) that are located less than 5m to side boundaries.

Likewise, the neighbouring properties across the road at 160 and 162 Lewisham Scenic Drive have buildings (including the dwelling at each property) that are located less than 5m to side boundaries. These side boundary setbacks vary but are typically in the realm of 1 to 2m.



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(d) the height, bulk and form of existing and proposed buildings;

Planning Comment:

Neither of the adjoining neighbours at #159 and #163 are orientated into the subject site. Both dwellings are orientated west, toward the water view. These western orientated water views will remain entirely unaffected by the proposed development.

Neighbouring views across the subject site to the NW and SW will also remain predominantly unaffected because of the 11.3m setback of the proposed dwelling from the western frontage boundary, adjoining Crown land.

The proposed new dwelling is partially single storey and the single storey component is located on the southern side of the subject site. The double storey side has been located entirely running parallel with the northern side boundary. This split layout has been devised to reduce overshadowing cast south onto #163 Lewisham Scenic Drive.

The placement of the new dwelling has been located within the subject site so that it is not forward of the western building line of the northern neighbour at #159 to enable SW views across the subject site from the living room and deck areas of this neighbouring dwelling.

The portion of the new dwelling adjacent to the boundary with #163 is a single storey form, 8m in length along the boundary (not including the deck). The scale and bulk of building adjacent to the southern boundary has been minimised as much as possible to minimise visual impact and overshadowing to the southern neighbour.

The proposed 'L' shaped layout of the new dwelling has responded well to the location of neighbouring dwellings and there has been consideration of window placement and overshadowing cast by the development to minimise impact onto both neighbours.

The only recommended change to the proposal plans as a result of town planning input was to include screening to both north and south elevation ends of the proposed deck, in order to eliminate any overlooking or loss of privacy to both adjoining neighbours. The plans have been amended to include this screening. It is recommended that Council apply a condition of approval to the planning permit that requires such privacy screening to be shown on plans submitted for building approval and to be wholly installed prior to occupation of the dwelling.

The orientation of dwellings in the surrounding area is driven by the water views to the west. Virtually every single dwelling in the surrounding area along Lewisham Scenic Drive is orientated toward the western water views.

The neighbours adjacent to the subject site are likewise orientated toward these western water views in terms of the location of living room windows and decks. This westerly outlook and water views will remain substantially unaffected by the proposed development for neighbouring properties.



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(e) the existing buildings and private open space areas on the site;

Planning Comment:

The proposed new dwelling avoids any habitable room windows overlooking the private open space area including a pool that is located west of the neighbouring dwelling at #163. As noted above, privacy screening has now been included on the deck for the proposed dwelling and it is considered that this screening will eliminate any direct overlooking into the rear garden area of #163.

As already outlined, the placement of the new dwelling is not directly adjacent to the neighbour at #163 and an 'L' shaped layout has been devised to provide a large setback of the double storey section from the southern side boundary shared with #163.

In terms of #159 to the north, there are no full length habitable room windows proposed to face the northern side boundary shared with #159.

Again, privacy screening has now been included on the deck for the proposed dwelling and it is considered that this screening will eliminate any direct overlooking into the rear garden area, unscreened deck or living room windows of #159.

*(f) sunlight to private open space and windows of habitable rooms on adjoining properties;
and*

Planning Comment:

The proposed development includes two sets of shadow diagrams including a new set of plans dated 11 July 2023 to illustrate overshadowing impact on the dwelling to the south at #163.

The dwelling at #159 is substantially unaffected by overshadowing from the proposed development owing to its northerly orientation to the development site.

This report has outlined multiple design considerations undertaken by the project designer Another Perspective to minimise overshadowing impact cast to the south onto #163.

The additional shadow plans provided by the designer confirm that overshadowing from the proposed new dwelling will not impact the dwelling until after 1pm. Windows on the dwelling at #163 that face the subject site are not affected by any overshadowing until after 2pm.

Overshadowing to the pool area commences by around 11am. Between 9am and 11am, the pool area is largely unaffected by the proposed new dwelling.



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By 12 noon, around 25% of the rear garden area including pool, area, lawn and paved area are impact by overshadowing from the proposed development.

Between 12 noon and 2pm, the overshadowing to the rear garden area is around 50% affected by the proposed development.

By 3pm the lawn area only is affected by overshadowing.

The deck and dwelling at #163 is not affected by any overshadowing from the proposed development until after 12 noon.

The degree of overshadowing onto #163 exceeds the minimum standard requirement of solar access where private open space areas should receive around 3 hours solar access to 50% of the space or to habitable room windows.

It is further noted that the eastern portion of the site at #163 located forward of the dwelling and adjacent to Lewisham Scenic Drive is unaffected by any overshadowing from the proposed development until after 2pm.

(g) the character of development existing on established properties in the area.

Planning Comment:

The character of development existing on established properties is that of single or double storey dwellings located in most cases in a central position on a lot but in close proximity to side boundaries.

Dwellings are orientated towards the west where water views are, seemingly without exception.

The footprint, height, scale and placement of the proposed new dwelling is considered consistent with surrounding residential development on similar sized lots.

It is considered that the location of the proposed new dwelling in relation to side boundaries is not out of character with the pattern of existing development.



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8 Summary

It is considered that with the addition of the privacy screening on the deck, the proposed dwelling is considered acceptable against the P2 Performance Criteria of clause 10.4.3.

The surrounding area has a consistent character of dwellings and associated outbuildings being located close to side boundaries. The proposed side boundary setbacks of the new dwelling is considered in keeping with these characteristic setbacks.

The design, height, split level design and placement and layout of the dwelling has been carefully considered in terms of minimising overshadowing onto 163 Lewisham Scenic Drive to the south.

Window design and placement and deck screening has eliminated privacy or overlooking impact.

The western outlook for neighbouring properties is entirely unaffected by the proposed development. Furthermore, the 11.3m setback of the propose dwelling from the western boundary also enable SW and NW views across the subject site for neighbours.

It is considered that there are no further design recommendations required and that the proposal as shown in Revision E plans are acceptable for approval.



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AGENDA
SORELL PLANNING AUTHORITY (SPA) MEETING
26 SEPTEMBER 2023

5.2

DEVELOPMENT APPLICATION NO. DA 2023 / 152 - 1

Applicant:	D White
Proposal:	Additions to Dwelling (deck) & Outbuilding (carport) as constructed & addition to Outbuilding (garage)
Site Address:	123 Rosendale Road, Sorell (CT179945/2)
Planning Scheme:	<i>Tasmanian Planning Scheme (Sorell LPS)</i>
Application Status	Discretionary
Relevant Legislation:	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	Owner is a relative of a staff member

Relevant Zone:	11.0 Rural Living
Proposed Use:	Residential (Single Residential or Multi Residential)
Applicable Overlay(s):	Safeguarding of Airports-obstacle limitation area
Applicable Codes(s):	Parking & Sustainable Transport
Valid Application Date:	27 June 2023
Decision Due:	24 September 2023
Discretion(s):	1 Site Coverage Clause 11.4.1
Representation(s):	Nil

RECOMMENDATION

That pursuant to *Section 57* of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 5.2023.152.1 for Additions to Existing Dwelling (deck) & Outbuilding (carport) as constructed & additions to Outbuilding (garage) at 123 Rosendale Road, Sorell be approved, subject to the following conditions:

1. Development shall generally be in accordance with the endorsed plans submitted on 19 June, 21 July, 7 August & 21 August 2023 except as may be amended by the conditions of this permit.

Engineering Conditions:

2. Prior to any works commencing within the road reservation, a Vehicular Crossing and Associated Works Application (available on Council's website) must be submitted with an associated permit granted for the works.
3. The internal driveway including areas set aside for vehicle parking and manoeuvring must:
 - a) Prior to first use, be constructed in accordance with the design prepared by Darryn White - Building Design and Consulting DWG 02/07 dated 7th August 202, with a durable 60mm thick all weather gravel wearing course compacted in one layer and 200mm thick road base course compacted in one layer;



- b) have a formed spoon drain along the entire length of the roadway's edge to capture and convey stormwater run-off to a lawful point of discharge, such that stormwater is not concentrated onto adjoining properties;
 - c) have a carriageway that is constructed and maintained, to resist moisture infiltration, erosion, sedimentation transportation, and dust generation; and
 - d) be maintained through the life of their use to be in a condition that at a minimum is suitable for two-wheel drive vehicles.
- 4. Prior to first use, at least two (2) car parking spaces must be provided on site and must be available for car parking at all times. All car parking spaces must:
 - a) be at least 5.4m long and 2.6m wide with an additional 0.3m clearance from any nearby wall, fence, or other structure; and
 - b) have a maximum gradient of 1 in 20 (5%) measured parallel to the angle of parking and 1 in 16 (6.25%) in any other direction.

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

- This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- This planning approval shall lapse at the expiration of two (2) years from the date on which this permit became valid, if the permit is not substantially commenced. At the discretion of the Planning Authority, the expiration date may be extended for a further two (2) years on two separate occasions for a total of six (6) years. Once lapsed, a new application will be required.
- Any changes to the use or development approved, may be deemed as substantially in accordance with the permit or may first require either a formal amendment to this permit or a new permit.
- Council recommends consulting Before You Dig Australia (BYDA) at www.byda.com.au before undertaking any works.
- A Vehicular Crossing Permit can be obtained by completing the Vehicular Crossing and Associated Works Application form available at www.sorell.tas.gov.au/services/engineering.

You may appeal against the above conditions, any such appeal must be lodged within fourteen (14) days of service of this notice to TASCAT, 38 Barrack Street Hobart 7000 Ph: (03) 6165 6790 or email resourceplanning@tascat.tas.gov.au

Executive Summary

Application is made for Additions to Existing Dwelling (deck) & Outbuilding (carport) both as constructed & an addition to the existing Outbuilding (garage) at 123 Rosendale Road, Sorell. This property is zoned Rural Living and is located towards the end of Rosendale Road.

The key planning consideration relate to the site coverage.

The application is considered to comply with each applicable standard of the *Tasmanian Planning Scheme (Sorell LPS)* and is recommended for conditional approval.

Relevance to Council Plans & Policies

Strategic Plan 2019-2029	Objective 1: To Facilitate Regional Growth Objective 2: Responsible Stewardship and a Sustainable Organisation Objective 3: To Ensure a Liveable and Inclusive Community
Asset Management Strategy 2018	The proposal has no significant implications for asset management.
Risk Management Strategy 2018	In its capacity as a Planning Authority, Council must determine this application. Due diligence has been exercised in preparing this report and there are no predicted risks from a determination of this application.
Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.
Open Space Strategy 2020 and Public Open Space Policy	The proposal has no significant implications for open space management.
Enforcement Policy	The additions to the dwelling (deck) and carport have been completed with retrospective approval requested. The addition to garage is new proposed works.
Environmental Sustainability Policy	There are no environmental implications associated with the proposal.

Legislation

- This report details the reasons for the officer recommendation.
- Broadly, the planning authority can either adopt or change the recommendation by adding, modifying or removing conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full

statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.

- The planning authority has a specific role in LUPAA. As noted by the Tribunal:

The role of the Council in relation to planning matters is, in very broad terms, to uphold its planning scheme. In that context it is in a sense, blind to everything but the terms of the Scheme. It cannot put economic advantage or perceived community benefits over the terms of the Scheme. And in the context of enforcement proceedings unless expressly authorised to do so, it may not take any approach which is inconsistent with the terms of its Scheme.

Planning Scheme Operation – for Zones, Codes and site specific provisions

- Clause 5.6.1 requires that each applicable standard is complied with if an application is to be approved.
- Clause 5.6.2, in turn, outlines that an applicable standard is any standard that deals with a matter that could affect, or could be affected by, the proposal.
- A standard can be met by either complying with an acceptable solution or satisfying the performance criteria, which are equally valid ways to comply with the standard.
- An acceptable solution will specify a measurable outcome. Performance criteria require judgement as to whether or not the proposal reasonably satisfies the criteria.
- Clause 6.10 outlines the matters that must be considered by a planning authority in determining applications. Clause 6.11 outlines the type of conditions and restrictions that can be specified in a conditional approval.

Referrals

Agency / Dept.	Referred?	Response?	Conditions?	Comments
Development Engineering	Yes	Yes	Yes	Nil
Environmental Health	Yes	Yes	No	Nil
Plumbing	Yes	Yes	No	Nil
NRM	Yes	Yes	No	Nil
TasWater	No	-	-	-
TasNetworks	Yes	Yes	No	The development does not adversely affect TasNetworks' Operations
State Growth	No	-	-	-

Report

Description of Proposal

The proposal requires retrospective approval of an addition to the dwelling (deck) and outbuilding (carport). The timber deck addition includes an enclosed Colorbond roofed area located to the northern side of the dwelling with access stair and also includes a separate ramp access. The deck addition measuring 9.4m long and 4m wide connected to the rear of the dwelling.

The open carport located adjacent to the dwelling measures approximately 12m x 6m constructed of steel posts with Colorbond roof. The proposal requests retrospective approval of the carport structure.

The proposal also includes new addition to the existing garage building. The addition to the garage is steel frame with Colorbond cladding and roofing. The garage addition includes a personal access door and highlight window and includes a 3m wide x 3.6m high Colorbond roller door. The additional height of the garage is required for the storage of the owners boat and campervan subsequently used for residential storage purposes. The new addition does however comply with the height requirements of the development standards of the zone.

All buildings have been setback the required 20m frontage and 10m side and rear setbacks for the Rural Living Zone.

An all-weather compacted gravel driveway extends to the boundary into the lot with parking area to the buildings with storm water and drainage included within the proposal. It is noted that the Sorell Council has a benefiting Right of Way from the general area of Rosendale bridge to the lot proper, therefore no obstruction should be erected or constructed to impede access along this right of way.

The application is supported by:

- Drawings and photo imagery by Darryn White, Building Design and Consulting.

Description of Site

The site is north facing 10.76ha in size and flanked by Rosendale Road with the buildings located in a cluster adjacent to the rear boundary of the lot. The site is vacant of vegetation and used primarily for grazing.

Adjoining land to the north and south consist of developed rural living lots. Whilst land to the north east consisting of agricultural zoned properties. The site is unserviced with Rosendale Road all weather compacted gravel road.

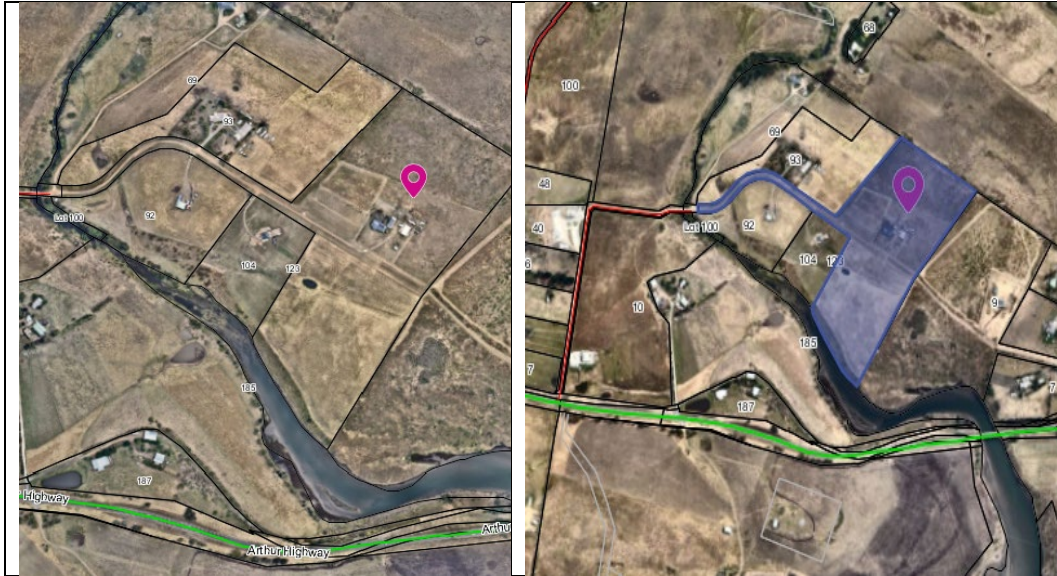


Figure 1. Subject site.

Planning Assessment

Zone – 11.0 Rural Living

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
11.4.1 P1.1	Site coverage	No, site coverage exceeds 400m ² . Refer to performance criteria assessment below.
11.4.2 A1	Building Height	Yes, All buildings have a height less than 8.5m.
11.4.2 A2	Frontage setback	Yes, All buildings setback greater than 20m from frontage.
11.4.2 A3	Side & Rear setback	Yes, All buildings setback greater than 10m from side or rear boundaries.
11.4.2 A4	Separation from Ag & Rural Zones	Yes, All buildings setback greater than 200m from Agricultural Zoned/Rural Zoned land.

Performance Criteria Assessment 1 – Clause 11.4.1 P1 – Site Coverage

The site coverage must be consistent with that existing on established properties in the area, having regard to:

- (a) the topography of the site;*
- (b) the capacity of the site to absorb runoff;*
- (c) the size and shape of the site;*
- (d) the existing buildings and any constraints imposed by existing development;*
- (e) the need to remove vegetation; and*
- (f) the character of development existing on established properties in the area.*

The performance criteria is applicable as site coverage is 536.2m².

It is considered that the performance criteria is satisfied as:

- The site is located at the top of a ridgeline adjacent to Arthur Highway/Iron Creek. Generally, within this area all lots are zoned 11.0 Rural Living and consist of 1ha lots or larger. This site and the adjoining property to the south are larger lots and contain in excess of 1ha.
- As size and shape of the site is large in size the buildings will have no adverse impacts or constrain development on adjoining sites. It is considered there will be no impact by way of overlooking or privacy and the apparent building bulk is reduced by the distance of the buildings from public spaces in particular the Arthur Highway. It is noted that Rosendale Road does not continue as a through road past the lot.
- No vegetation removal is required, the lots contain grassland primarily used for pasture.
- The surrounding sites contain large outbuildings for storage of farm and associated equipment as well as residential storage of both personal vehicles and recreational vehicles.

Code

Bushfire-Prone Areas Code

As the proposal is not a vulnerable or hazardous use (as defined by the Code), the provisions of the Code do not apply.

Safeguarding of Airports Code – Obstacle Limitation Area

As the proposal, in particular development on the property is not more than 152m AHD height specified for the site, the provisions of the Code do not apply.

Parking and Sustainable Transport Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C2.5.1 A1	Numbers	Yes, as two spaces are provided.
C2.6.1 P1	Construction of Parking Areas	The application satisfies P1 as the access and driveway will have suitable surface treatment and drainage provision consistent with the surrounding area for the nature of the use.
C2.6.2 A1	Design & Layout	Yes, the gradient and dimensions of the car parking spaces are sufficient.
C2.6.3 A1	Number of Accesses	Yes, no new access points are proposed.

Representations

No representations have been received.

Conclusion

The application is considered to comply with each applicable standard of the *Tasmanian Planning Scheme (Sorell LPS)* and is recommended for conditional approval.

Jenny Richmond
Planning Officer

Attachments:
Proposal Plans

Index

- Darryn White - Building Design and Consulting - 2009
- 01 - Project Information
 - 02 - Site Location Plan
 - 03 - As Constructed Deck and Carport - Site Plan
 - 04 - Construction Generally
 - 05 - Addition to Existing Outbuilding - Site Plan
 - 06 - As Constructed Deck and Carport - Montage
 - 07 - As Constructed Deck and Carport - Plumbing / Drainage Plan
 - 08 - Addition to Existing Outbuilding - Elevations
 - 09 - Addition to Existing Outbuilding - Floor / Drainage Plan

PROPOSED ROOFED DECK EXTENSION

- 1 - Plan view of deck
- 2 - Plan view of roof
- 3 - Front Elevation
- 4 - Section A-A
- 5 - Side A (North End)
- 6 - Side B (South End)

PROPOSED CARPORT

- 1 - Floor Plan
- 2 - Roof Plan
- 3 - Left Elevation
- 4 - Centre Elevation
- 5 - Right Elevation
- 6 - Front View
- 7 - Rear View

Project Information

Land Title Reference: Volume 179945 Folio 2

Lot area: 10.76ha

Total floor areas:

Existing Dwelling - 170m²
 Existing Outbuilding - 135m²
 Existing Garden Shed - 9m²

As Constructed Deck - 47m²
 As Constructed Carport - 72m²
 Addition to Outbuilding - 103.2m²

Planning Scheme - Tasmanian Planning Scheme
 Zone - Rural Living



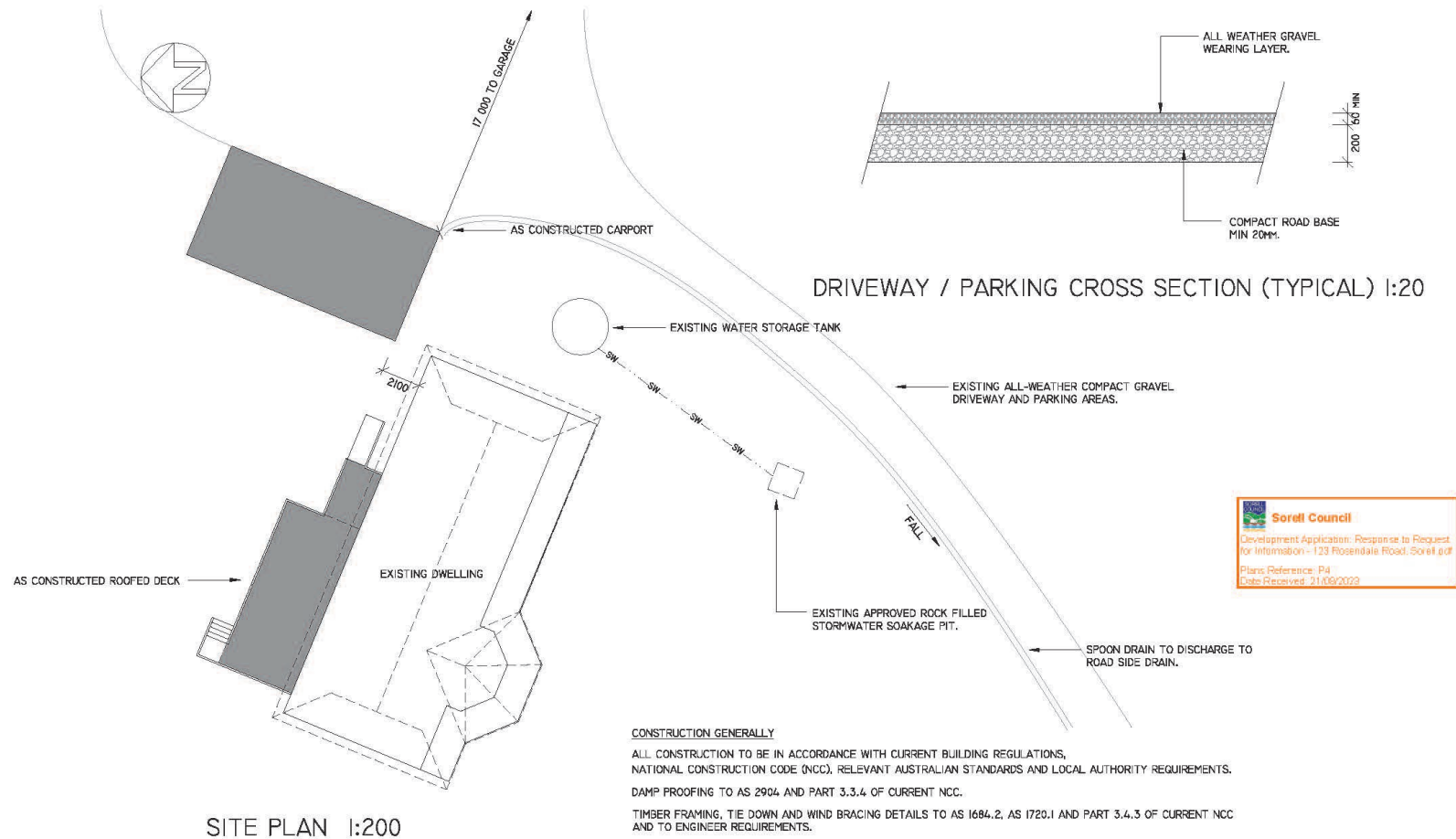
SITE LOCATION PLAN 1:2000



Date 7th August 2023	Page size A3	Client T & J Bygrave	Proposed As Constructed Deck and Carport Addition to Existing Outbuilding	Darryn White - Building Design and Consulting. P O Box 381 Rosny Park Tasmania 7018 P: 0409 659 358 E: dwbdac@gmail.com W: www.everythingbuilding.com.au ABN: 5815077060 License No: CC1623W	This drawing is the property of Darryn White. Reproduction in whole or part is strictly forbidden without the written consent of Darryn White. Failure to do so will result in legal action being taken.	© 2023 Page No 01 07 Job No 2318
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AGENDA
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 26 SEPTEMBER 2023



CONSTRUCTION GENERALLY

ALL CONSTRUCTION TO BE IN ACCORDANCE WITH CURRENT BUILDING REGULATIONS, NATIONAL CONSTRUCTION CODE (NCC), RELEVANT AUSTRALIAN STANDARDS AND LOCAL AUTHORITY REQUIREMENTS.

DAMP PROOFING TO AS 2904 AND PART 3.3.4 OF CURRENT NCC.

TIMBER FRAMING, TIE DOWN AND WIND BRACING DETAILS TO AS 1684.2, AS 1720.1 AND PART 3.4.3 OF CURRENT NCC AND TO ENGINEER REQUIREMENTS.

BUILDER TO VERIFY ALL DIMENSIONS AND DETAILS ON THIS SET OF PLANS PRIOR TO COMMENCEMENT OF WORK ON SITE.

USE WRITTEN DIMENSIONS IN PREFERENCE TO MEASURING OFF THE PLAN.

COUNCIL / CONTRACTOR TO CONTACT DARRYN WHITE BUILDING DESIGN AND CONSULTING IF NECESSARY INFORMATION IS NOT PROVIDED ON THIS SET OF PLANS.

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Sorell Council
 Development Application: Response to Request
 for Information - 123 Rosendale Road, Sorell.pdf
 Plans Reference: P3
 Date Received: 07/08/2023



DECK EXTENSION NORTH-WEST VIEW



DECK EXTENSION NORTH-EAST VIEW



CARPORT SOUTH-WEST VIEW



CARPORT SOUTH-EAST VIEW



CARPORT NORTH-EAST VIEW

AS CONSTRUCTED DECK AND CARPORT

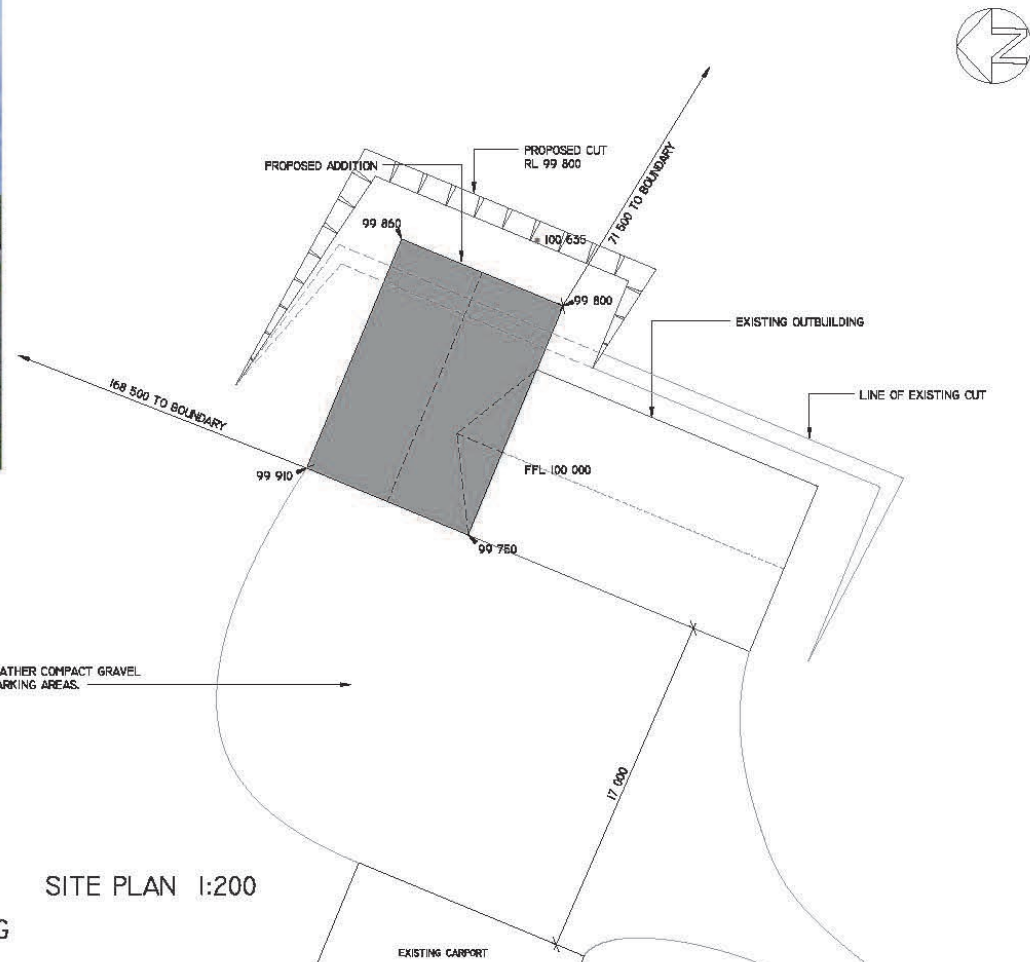
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AGENDA
SORELL PLANNING AUTHORITY (SPA) MEETING
26 SEPTEMBER 2023



EXISTING OUTBUILDING



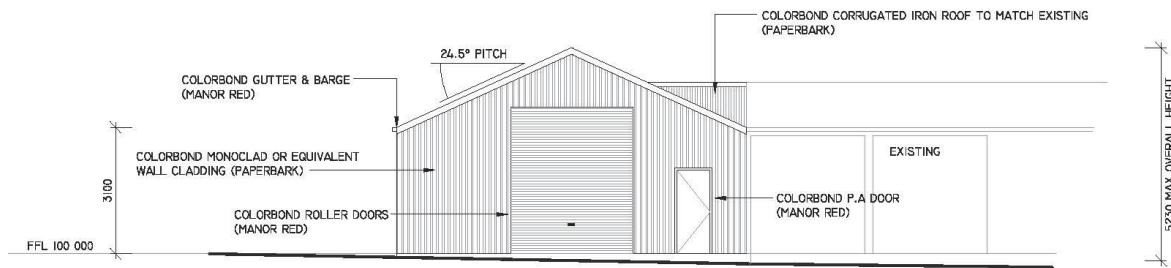
SITE PLAN 1:200



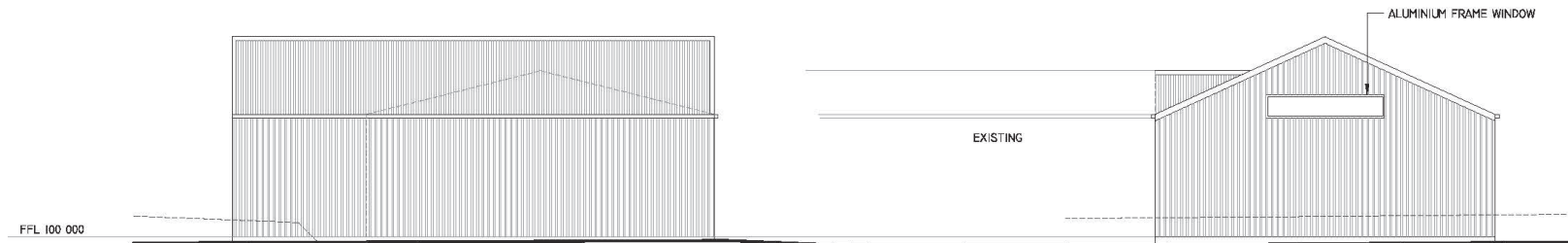
ADDITION TO EXISTING OUTBUILDING

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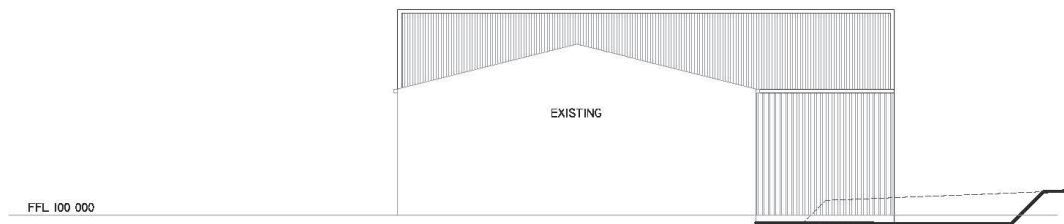


NORTH-WEST ELEVATION



NORTH-EAST ELEVATION

SOUTH-EAST ELEVATION



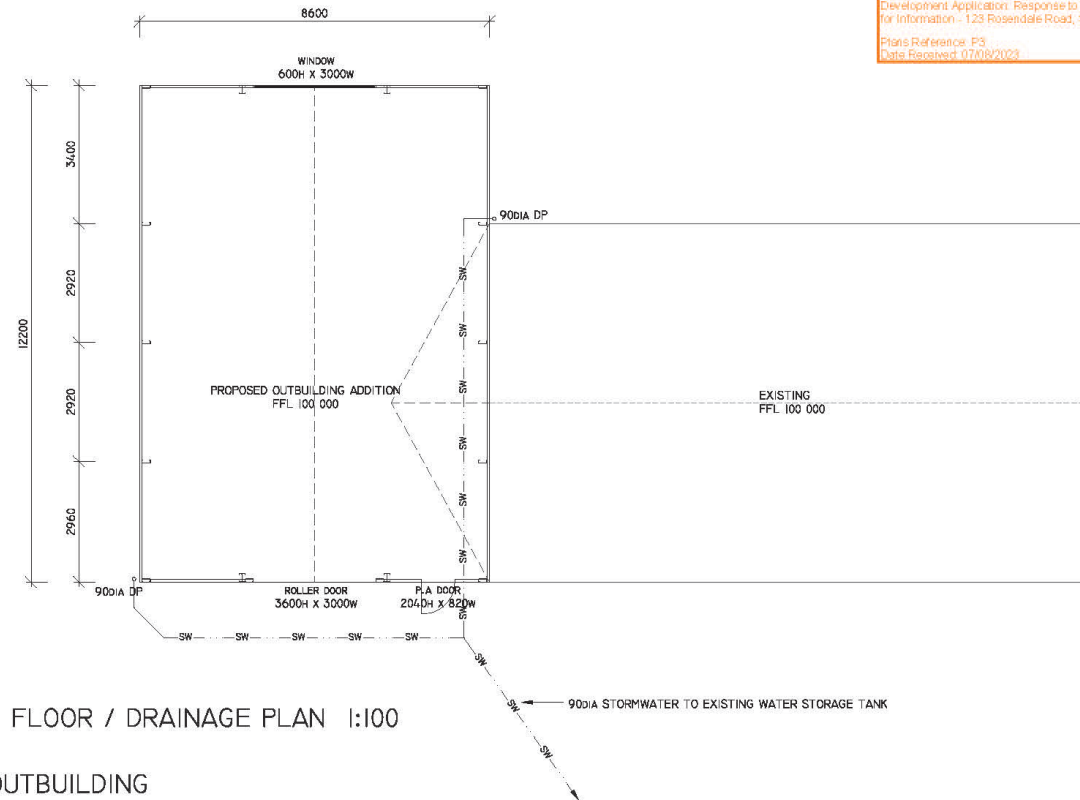
ADDITION TO EXISTING OUTBUILDING

SOUTH-WEST ELEVATION



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FLOOR / DRAINAGE PLAN 1:100

ADDITION TO EXISTING OUTBUILDING

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