

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:

DA Number	DA 2025 / 00178
Applicant	J Kreltzheim
Proposal	Residential - Retrospective Approval for Existing Deck and Enclosed Veranda in addition to a Proposed Secondary Residence and Studio Outbuilding
Location	35 Gardiners Creek Road, St Marys (CT54154/1)

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.

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, 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 5th September, 2026 **until 5pm Friday 18th September, 2026.**

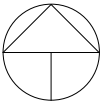
John Brown
GENERAL MANAGER



No.	Description	Date
Rev 1	Amended Planning Drawings	13/01/2026
Rev 2	Amended Planning Drawings	28/05/2026
Rev 3	Amended Planning Drawings	13/07/2026

35 Gardiners Creek Rd,
St.Marys

NEIGHBOURHOOD OVERVIEW



Project number	1342
Date	17 - 09 - 2025
Drawn by	JK
Checked by	AK

A 01

Scale

GARDINERS
CREEK ROAD

No.35

Title boundary

54.76m

Title boundary

1.8m timber fence

3160

3020

2000

19.11m Title boundary

1.8m timber fence

RETROSPECTIVE
DECK

EXISTING
DWELLING

SHED

STORAGE
CONTAINER

STORAGE
CONTAINER

1m post & wire fence

Title boundary

existing
crossover

70.41m

existing
crossover

Title boundary

existing
crossover

CAMERON STREET

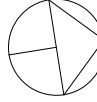


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I: www.alldraw.com.au
DP-AD 36943

No.	Description	Date
Rev 1	Amended Planning Drawings	13/01/2026
Rev 2	Amended Planning Drawings	28/05/2026
Rev 3	Amended Planning Drawings	13/07/2026

35 Gardiners Creek Rd,
St.Marys

EXISTING SITE PLAN



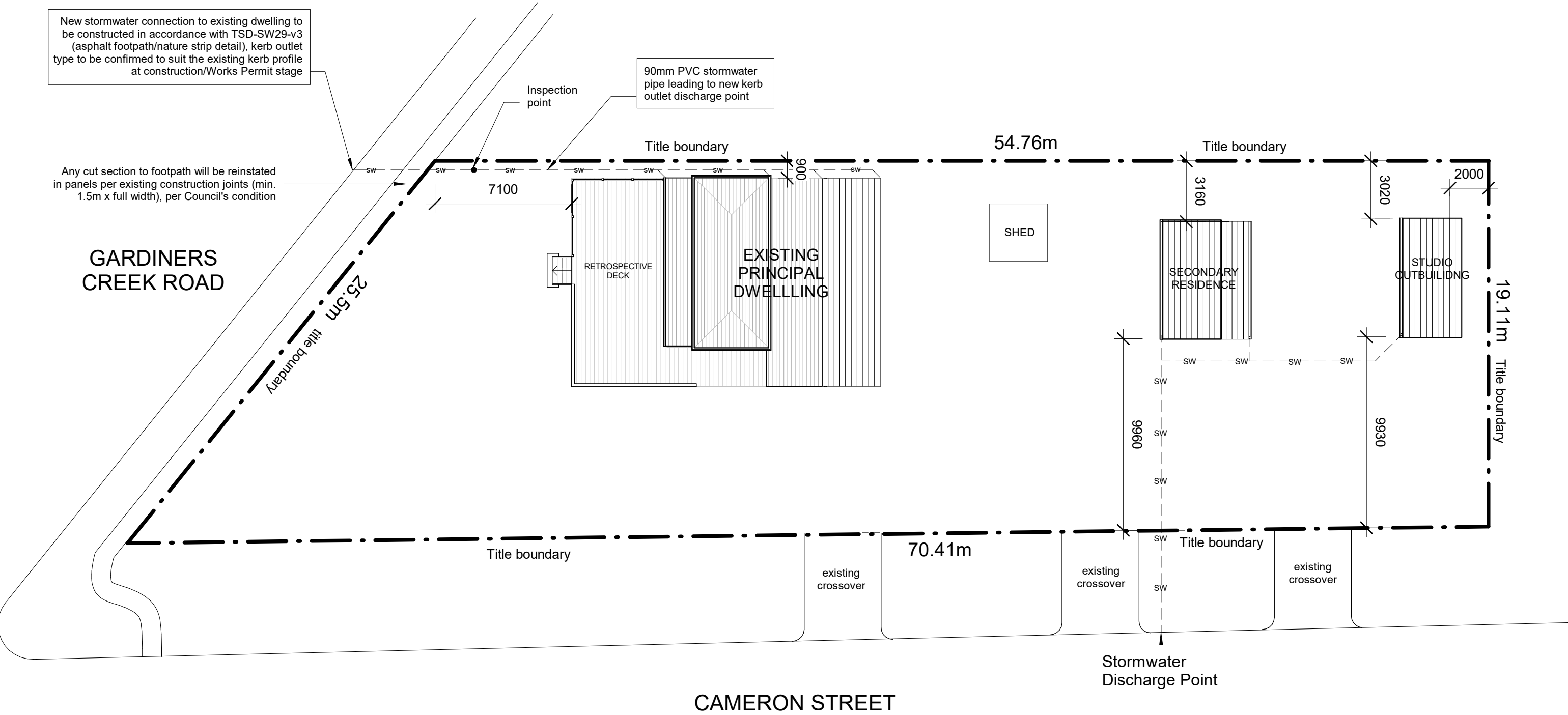
Project number	1342
Date	17 - 09 - 2025
Drawn by	JK
Checked by	AK

A 02

Scale 1 : 200

SITE AREA: 1194m²
EXISTING PRINCIPLE DWELLING: 110m²
SECONDARY RESIDENCE: 31m²
ANCILLARY STUDIO: 15m²

Development to remain on a single title.
No subdivision or strata proposed.

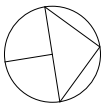


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DP-AD 36943

No.	Description	Date
Rev 1	Amended Planning Drawings	13/01/2026
Rev 2	Amended Planning Drawings	28/05/2026
Rev 3	Amended Planning Drawings	13/07/2026
Rev 4	New Stormwater kerb outlet	26/08/2026

35 Gardiners Creek Rd,
St.Marys

PROPOSED SITE PLAN



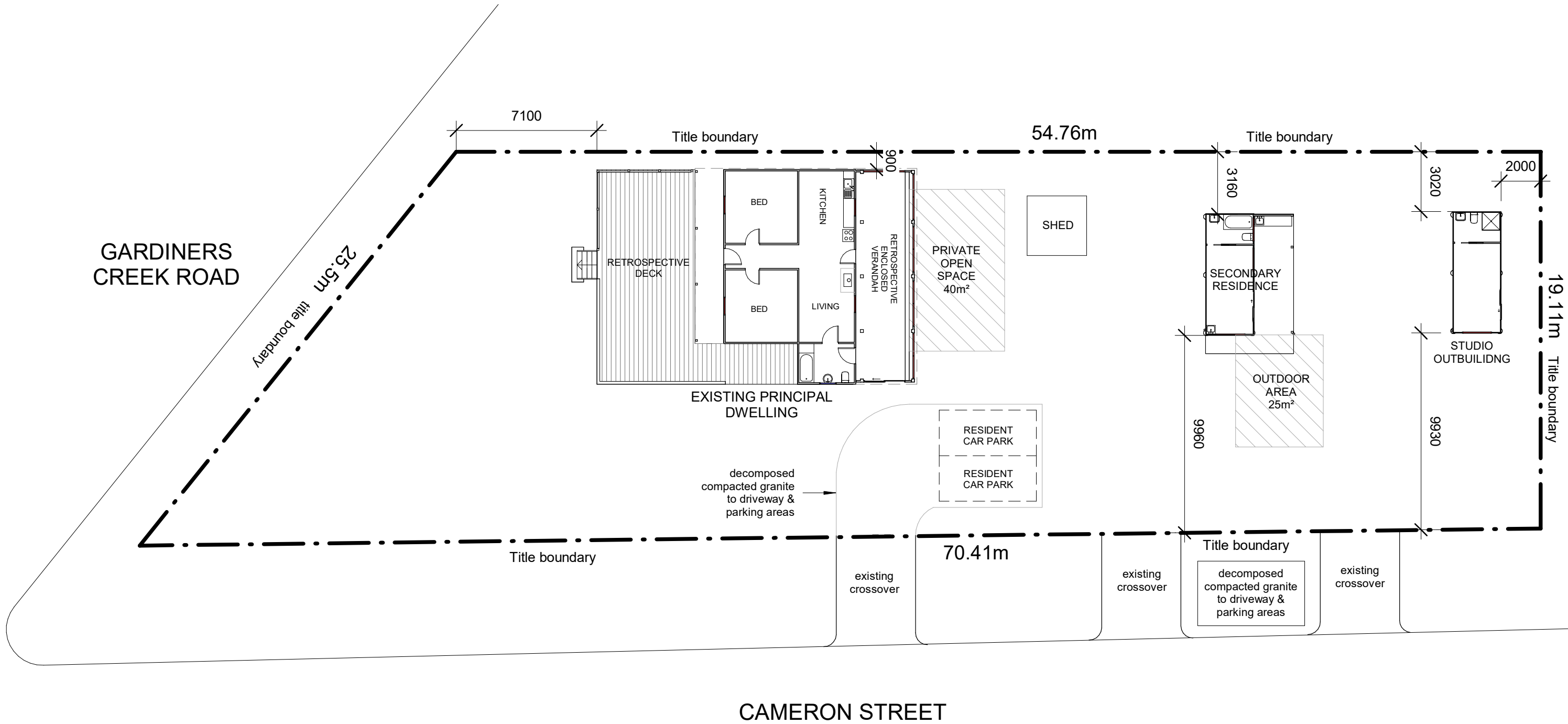
Project number	1342
Date	17 - 09 - 2025
Drawn by	JK
Checked by	AK

A 03

Scale 1 : 200

SITE AREA: 1194m²
EXISTING PRINCIPLE DWELLING: 110m²
SECONDARY RESIDENCE: 31m²
ANCILLARY STUDIO: 15m²

Development to remain on a single title.
No subdivision or strata proposed.



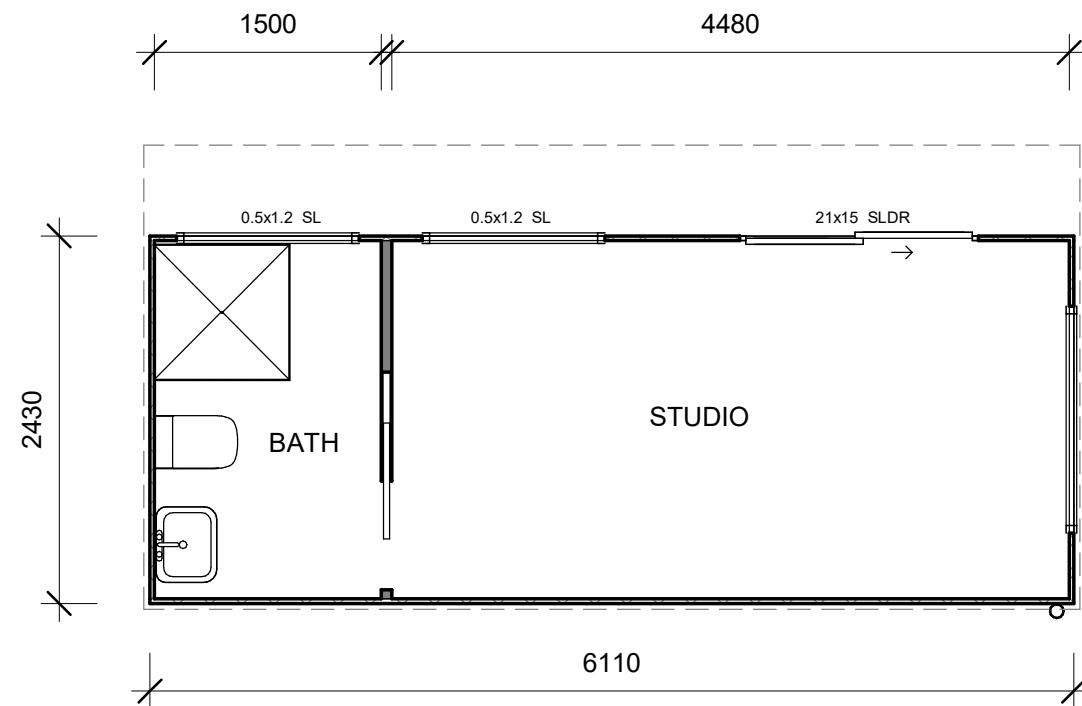
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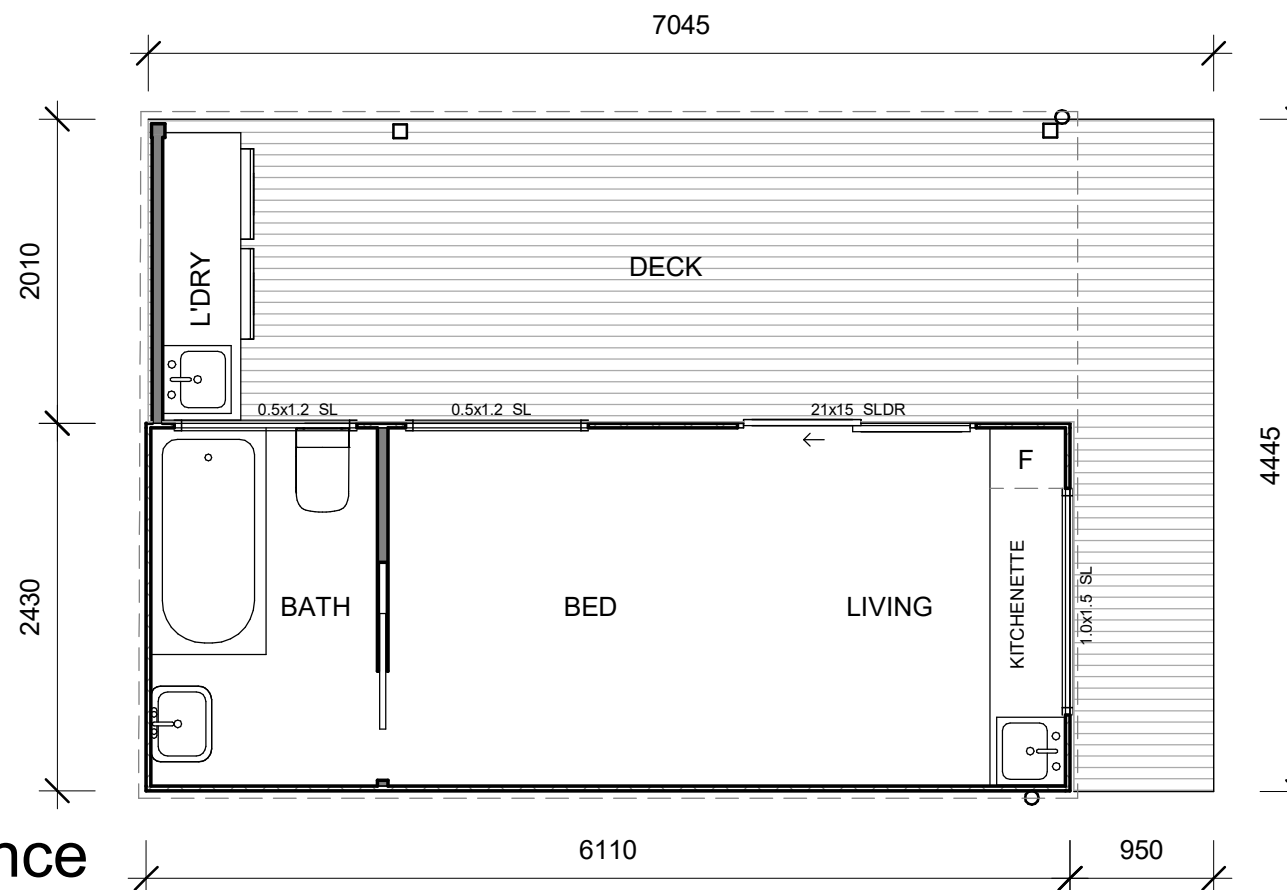
35 Gardiners Creek Rd,
St.Marys

DESIGN RESPONSE

	Project number	1342	A 04
	Date	17 - 09 - 2025	
	Drawn by	JK	
	Checked by	AK	Scale 1 : 200



2 Studio Outbuilding
1 : 50

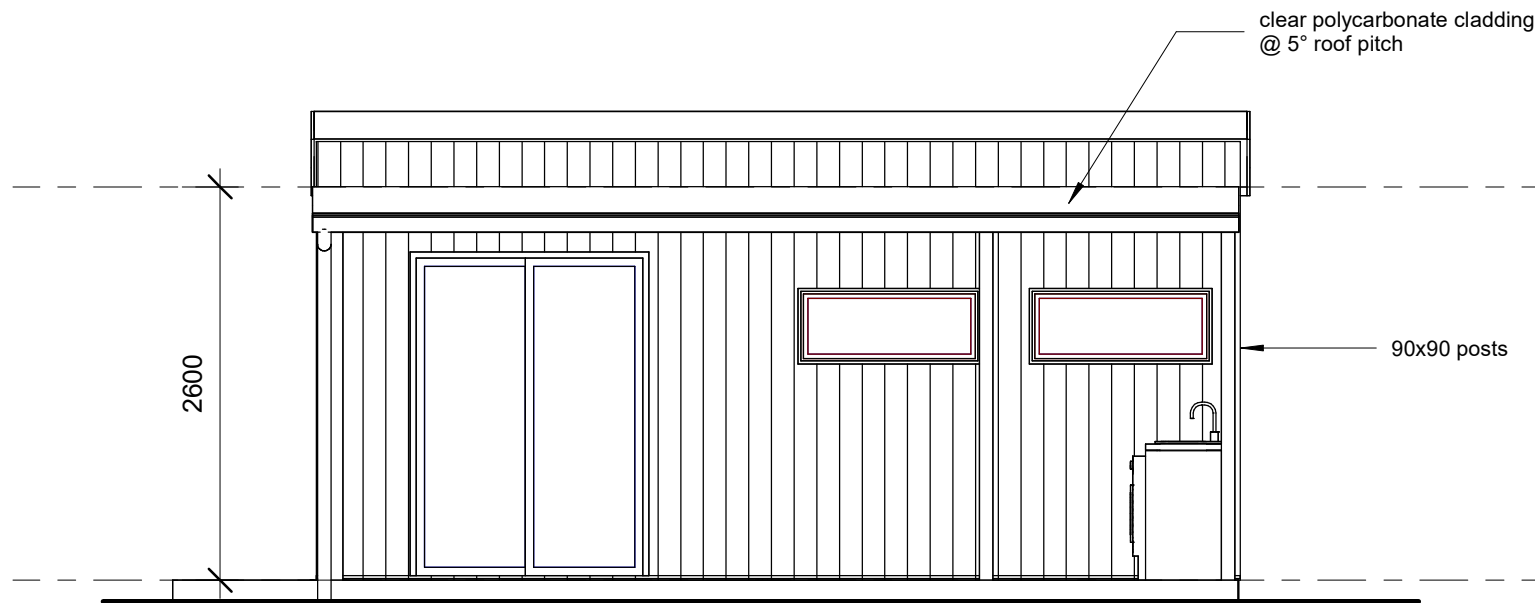


1 Secondary Residence
1 : 50

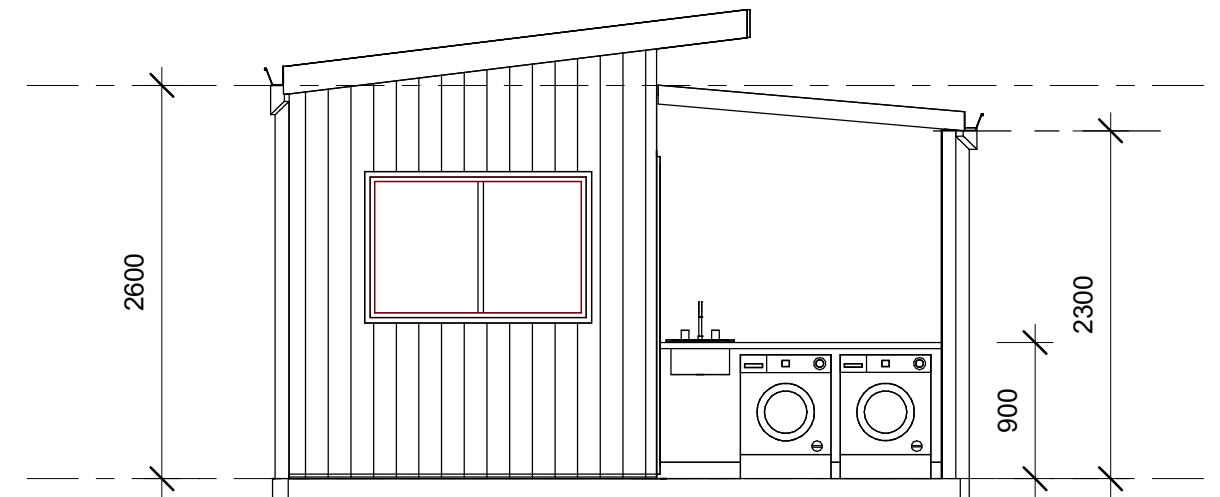
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Rev 2	Amended Planning Drawings	28/05/2026
Rev 3	Amended Planning Drawings	13/07/2026



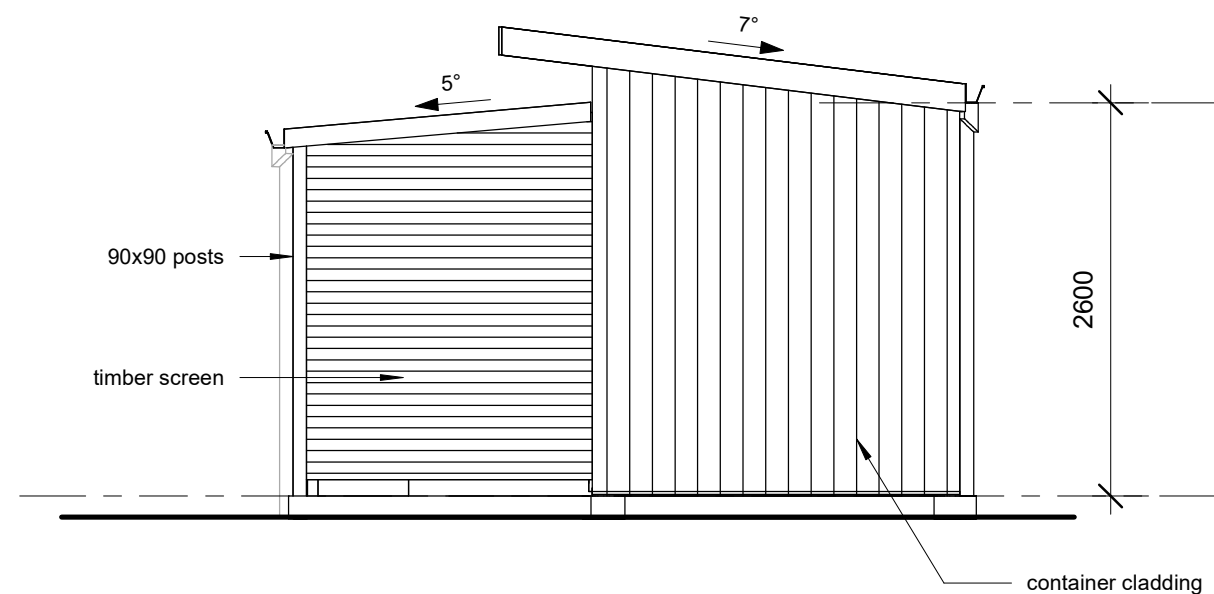
Project number	1342
Date	17 - 09 - 2025
Drawn by	JK
Checked by	AK



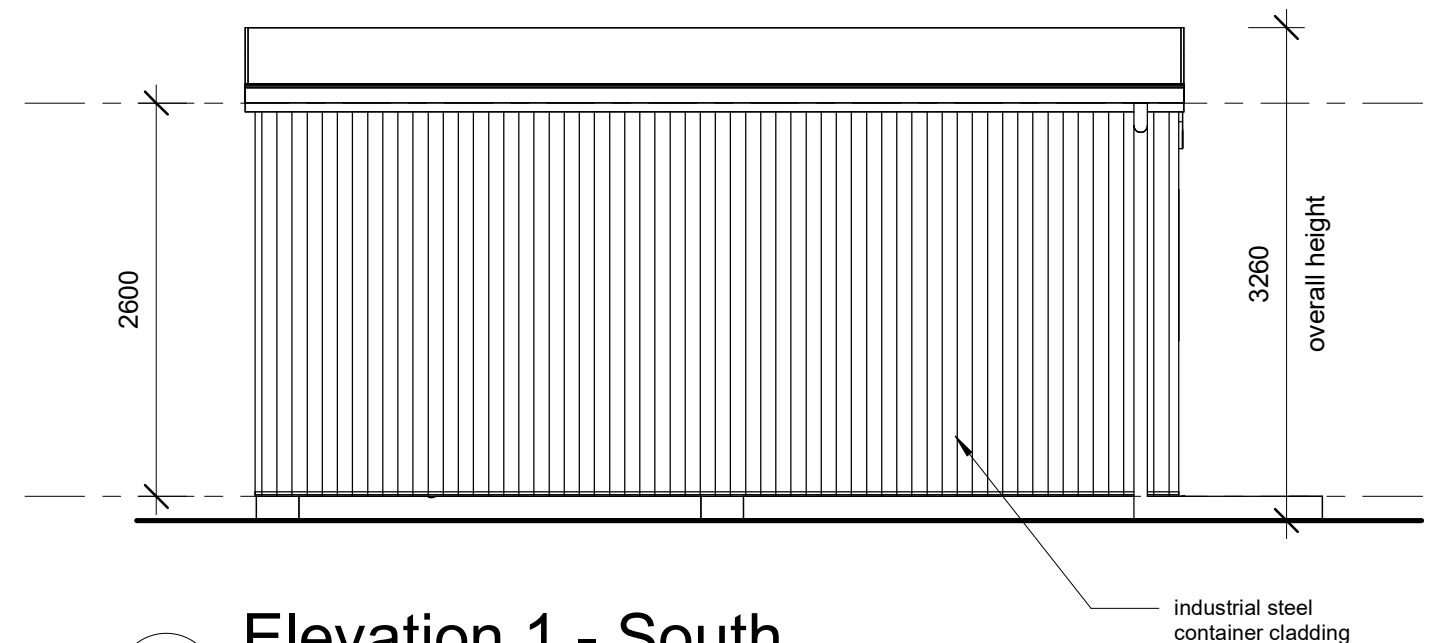
1 Elevation 1 - North
1 : 50



2 Elevation 1 - East
1 : 50



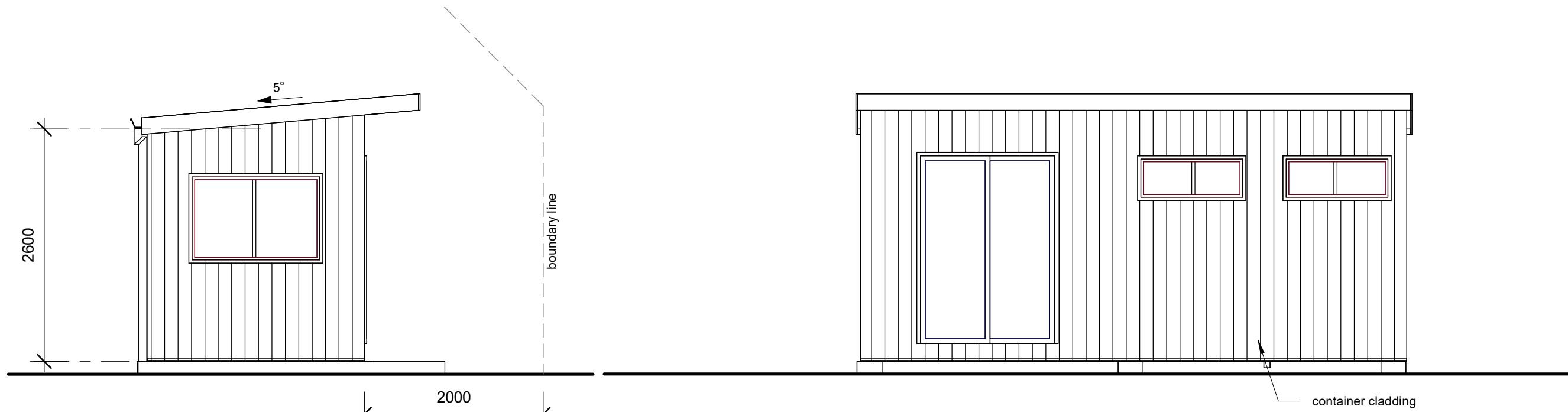
3 Elevation 1 - West
1 : 50



4 Elevation 1 - South
1 : 50

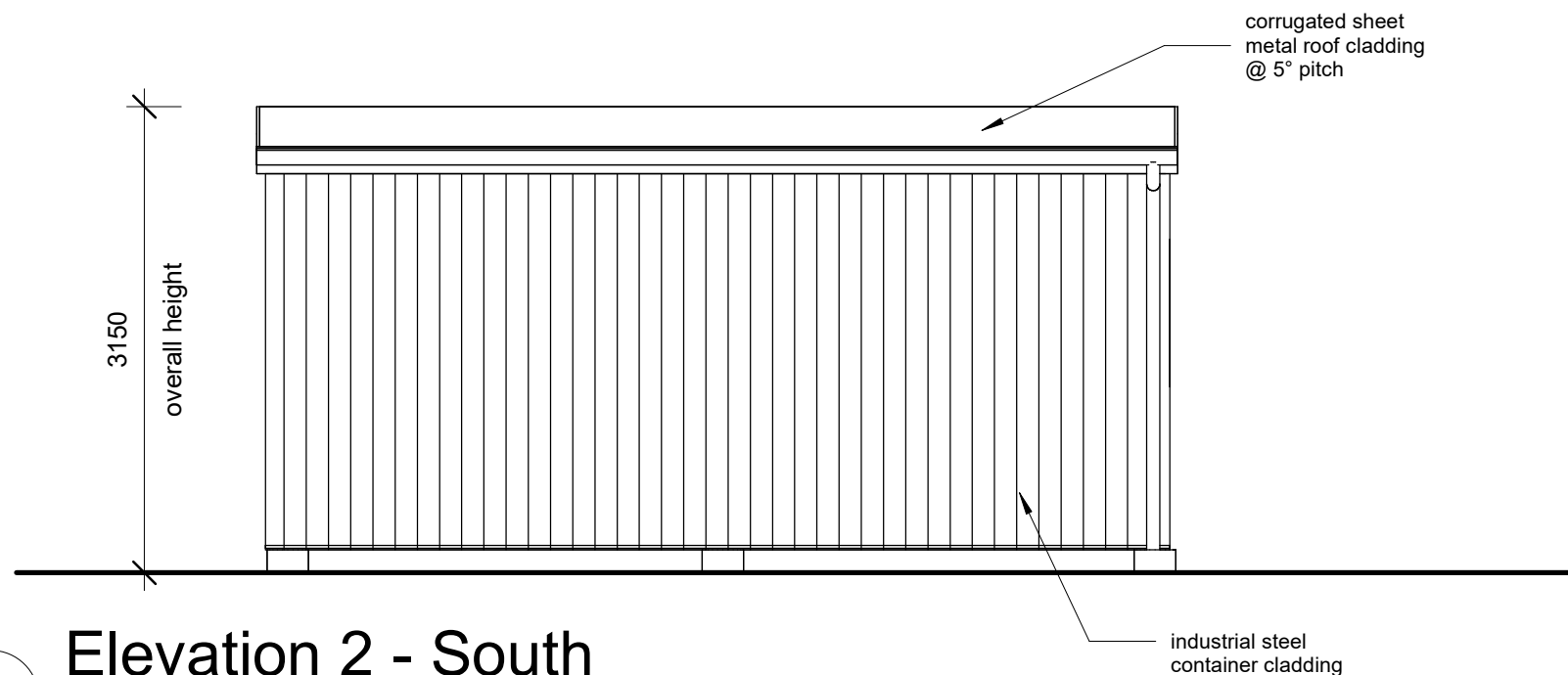
No.	Description	Date
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Rev 2	Amended Planning Drawings	28/05/2026
Rev 3	Amended Planning Drawings	13/07/2026

Project number	1342	A 06
Date	17 - 09 - 2025	
Drawn by	JK	
Checked by	AK	
Scale		1 : 50

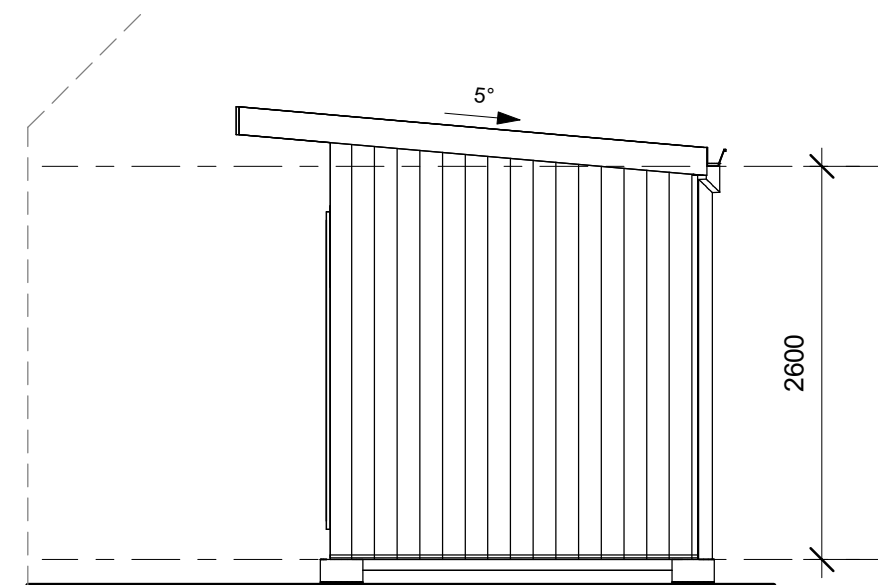


1 Elevation 2 - East
1 : 50

2 Elevation 2 - North
1 : 50



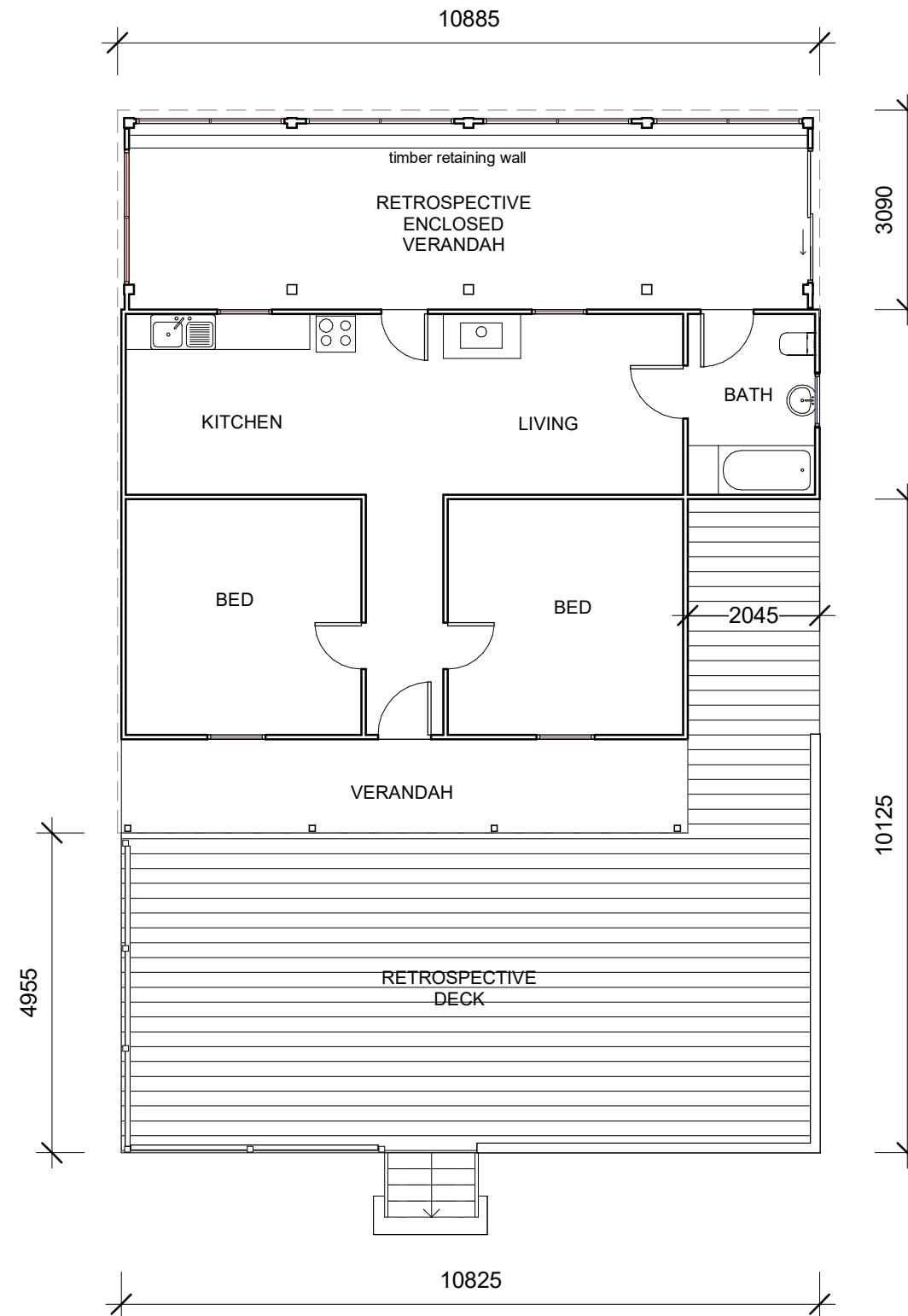
3 Elevation 2 - South
1 : 50



4 Elevation 2 - West
1 : 50

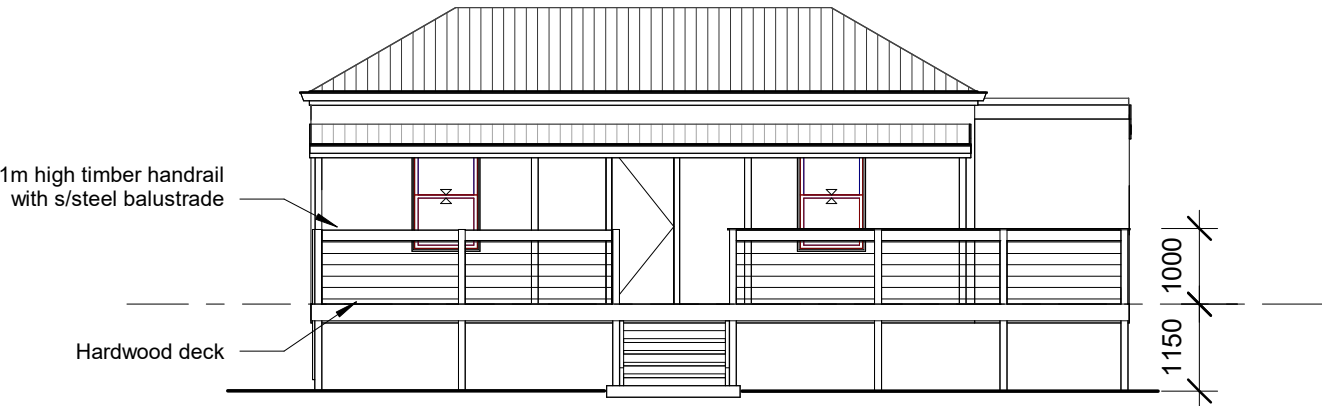
No.	Description	Date
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Rev 3	Amended Planning Drawings	13/07/2026

Project number	1342	A 07
Date	17 - 09 - 2025	
Drawn by	JK	
Checked by	AK	
Scale		1 : 50

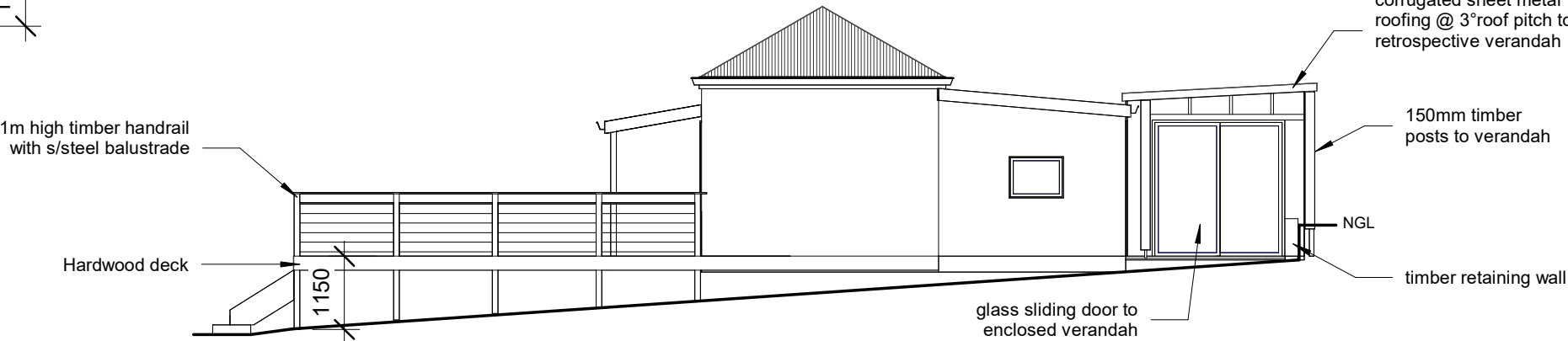


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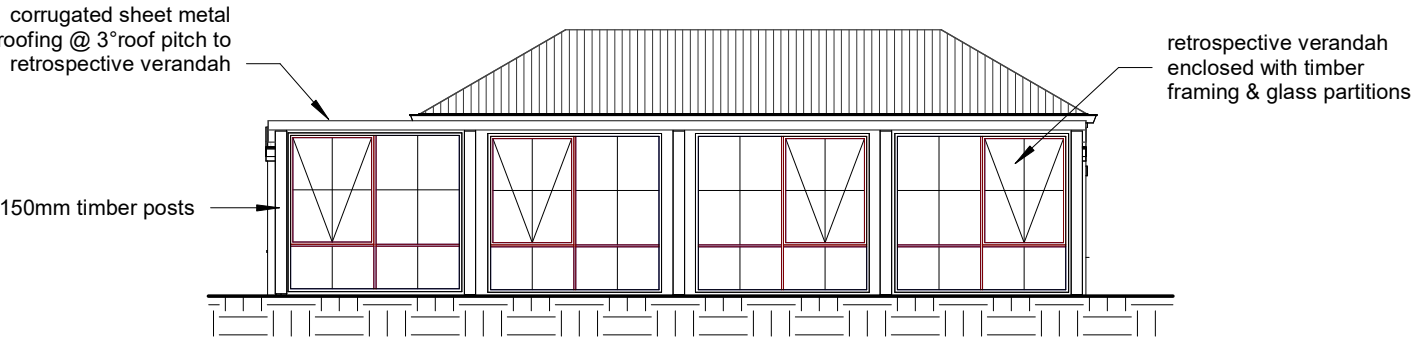
EXISTING DWELLING FLOORPLAN			
	Project number	1342	A 08
	Date	17 - 09 - 2025	
	Drawn by	JK	
	Checked by	AK	Scale 1 : 100



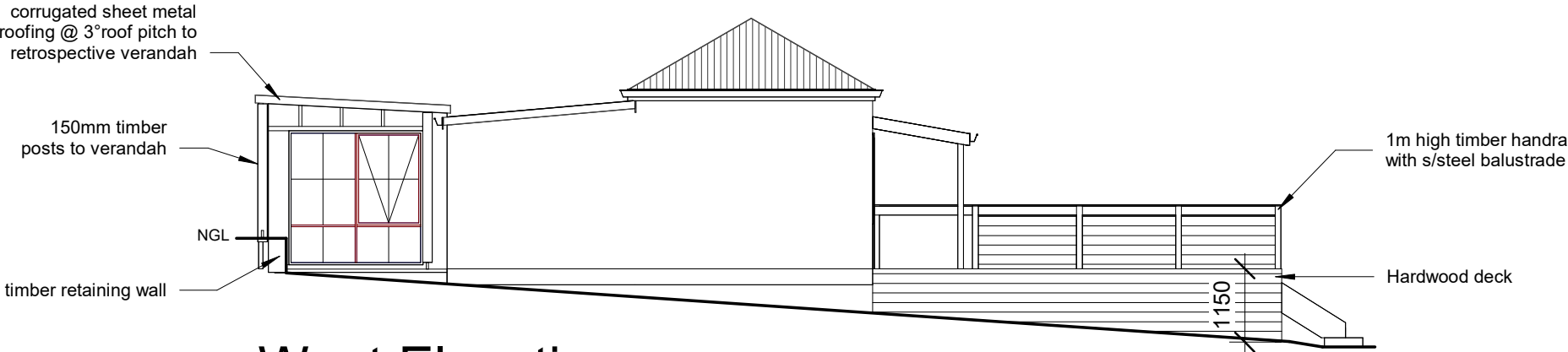
1 South Elevation
1 : 100



2 East Elevation
1 : 100



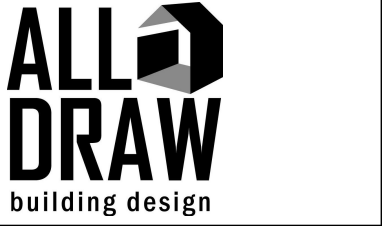
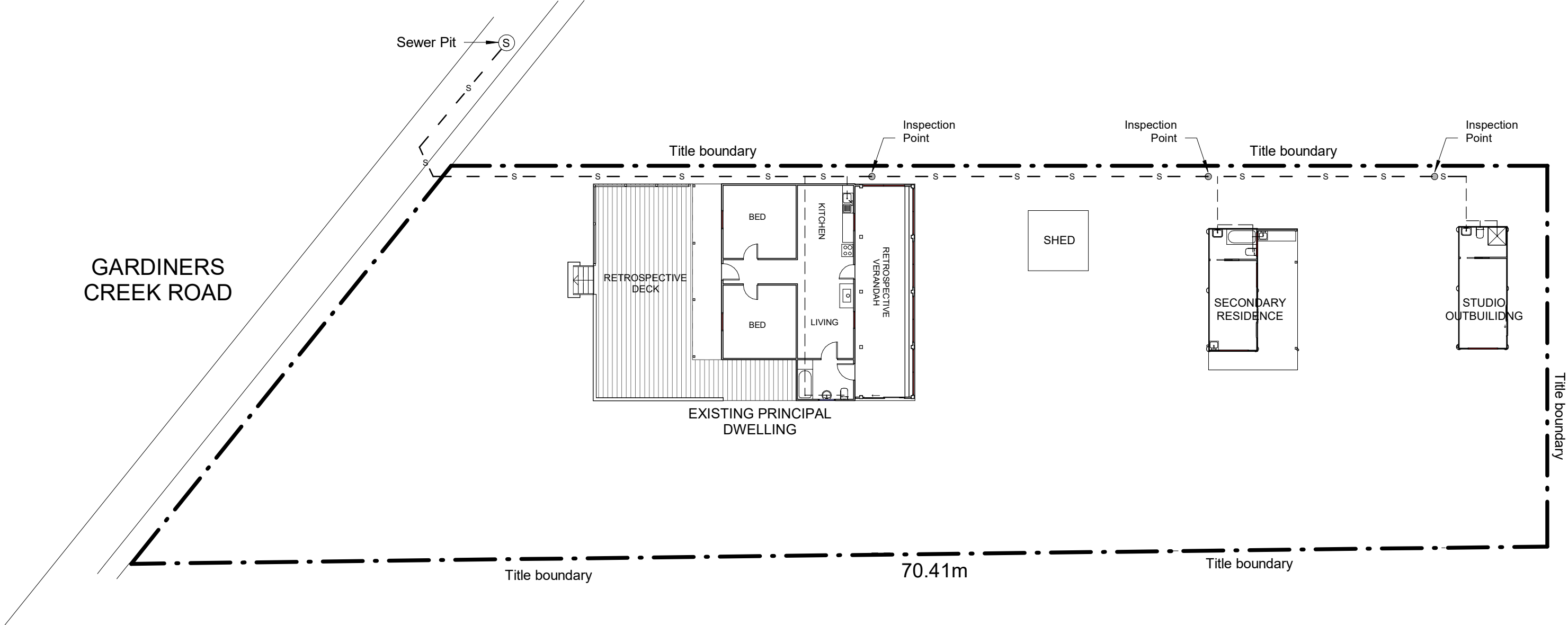
3 North Elevation
1 : 100



4 West Elevation
1 : 100

No.	Description	Date
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35 Gardiners Creek Rd,
St.Marys

DRAINAGE PLAN

Project number	1342
Date	17 - 09 - 2025
Drawn by	JK
Checked by	AK

A 10

Scale 1 : 200

PLANNING RESPONSE REPORT, REVISION 3.0

Supporting Statement for Discretionary Planning Application, Residential Use, Secondary Residence and Ancillary Studio/Outbuilding

at 35 Gardiners Creek Road, St Marys, TAS 7215

Ref: DA 2025 / 00178

Revision 3.0: 26 August 2026

Applicant: James Kreltszheim (All Draw)

Property Identification Number: 6402668 Certificate of Title Reference: 54154/1

Revision 3.0 Note

Following further correspondence from Council dated 30 July 2026 regarding the sole outstanding item (Item 13) from Council's Request for Further Information, the amended plans and this report have been updated to include a new stormwater connection for the existing principal dwelling to the kerb on Gardiners Creek Road, in accordance with TSD-SW29-v3. No evidence of an existing stormwater connection to the existing dwelling could be located.

Revision 2.0 Note

Following Council's request for further information, the client has revised the proposal. This Planning Response Report supersedes the previous planning response and supports the amended proposal for one secondary residence and one ancillary studio/outbuilding associated with the existing dwelling, together with retrospective approval of the existing deck and verandah.

1. Proposal Overview

This application seeks approval for residential development at 35 Gardiners Creek Road, St Marys, comprising:

- one existing principal dwelling;
- one secondary residence associated with the existing principal dwelling;
- one ancillary studio/outbuilding associated with the existing principal dwelling; and
- retrospective approval of the existing deck and verandah attached to the principal dwelling.

The secondary residence is proposed as a small, self-contained residence located to the rear of the site and auxiliary to the existing principal dwelling. The ancillary studio/outbuilding is proposed as a non-self-contained structure for private studio/workshop use and includes basic restroom facilities only.

The proposal makes use of existing structures on the site and provides a modest residential outcome that maintains the established residential use and character of the property.

2. Site and Planning Context

The site is located at 35 Gardiners Creek Road, St Marys and has a site area of approximately 1194m². The land is developed with an existing principal dwelling and existing rear structures. Access is available from Cameron Street via existing vehicle crossovers.

The application also includes retrospective approval of the existing deck and verandah associated with the principal dwelling, as requested by Council.

3. Planning Controls

The following planning controls are relevant to the amended proposal:

- Zone: General Residential Zone, Tasmanian Planning Scheme.
- Use: Residential, single dwelling with secondary residence.
- Associated development: ancillary studio/outbuilding associated with the principal dwelling.
- Overlays: Priority Vegetation Area and Stormwater Management Specific Area Plan, BRE-S2.0.
- Codes: Parking and Sustainable Transport Code and Road and Railway Assets Code, where applicable.
- Referral: TasWater, if required by Council following review of the amended application material.

For planning purposes, the secondary residence is assessed as part of the residential use of the site. The studio/outbuilding is assessed as an ancillary non-dwelling structure associated with the existing residential use.

4. Secondary Residence Assessment

Under the Tasmanian Planning Scheme, a secondary residence is recognised within the Residential use class and is included within the definition of a single dwelling, provided it satisfies the secondary residence definition.

The Tasmanian Planning Scheme defines a secondary residence as an additional self-contained residence that has a gross floor area not more than 60m², is auxiliary to a single dwelling, shares access and parking with the single dwelling, shares water, sewerage, gas, electricity and telecommunications connections and meters, and may include laundry facilities.

The proposed secondary residence satisfies this intent as follows:

- it has a gross floor area below 60m², as shown on the amended drawings;
- it is located on the same site as, and is associated with, the existing principal dwelling;
- it shares access and parking arrangements with the principal dwelling via existing access from Cameron Street;
- it will share service connections and meters with the principal dwelling;
- it is modest in scale and remains visually subordinate to the existing dwelling; and
- it provides compact self-contained accommodation while maintaining the residential character of the site.

The secondary residence includes basic residential facilities appropriate to its function, including food preparation, bathroom and laundry facilities. Its small scale and location to the rear of the site limit visual impact and maintain the established residential character of the area.

5. Ancillary Studio / Outbuilding Assessment

The ancillary studio/outbuilding is intended to operate as a non-habitable Class 10a outbuilding associated with the residential use of the site.

The ancillary studio/outbuilding is proposed as a private studio/workshop associated with the principal dwelling. It is not proposed as self-contained residential accommodation and is not relied upon as a separate residence.

The structure is modest in scale and will be used for private studio/workshop purposes. The internal layout is to be limited to studio/workshop space and basic restroom facilities. No kitchen, laundry, bedroom or residential living facilities are proposed within the ancillary studio/outbuilding.

The studio/outbuilding is located to the rear of the site, where it is consistent with the type and scale of domestic outbuildings commonly associated with residential use. The building height, siting and form are not expected to result in unreasonable visual, privacy or overshadowing impacts on adjoining properties.

6. Retrospective Deck and Verandah

The application includes retrospective approval of the existing deck and verandah associated with the principal dwelling. These works are shown on the amended plans and elevations.

The deck and verandah are domestic in character and form part of the normal use and enjoyment of the existing dwelling. Their siting, height, balustrading and relationship to adjoining properties are shown on the amended drawings. The works are not expected to result in unreasonable privacy, visual bulk or amenity impacts.

7. General Residential Zone Development Standards

7.1 Setbacks, Building Envelope and Siting, Clauses 8.4.2 and 8.5.1

The secondary residence, ancillary studio/outbuilding, and retrospective works are sited with regard to the existing built form, boundary setbacks, building height and the character of established residential development in the area.

Clause 8.4.2 is relevant to setbacks and building envelope matters for dwellings, including the existing principal dwelling and secondary residence. Clause 8.5.1 is relevant to setbacks and siting matters for non-dwelling development, including the ancillary studio/outbuilding.

Where any built element requires performance assessment due to setback or building envelope considerations, the development is considered acceptable having regard to its modest scale, low building height, limited visual bulk and separation from adjoining dwellings. The proposal is not expected to cause unreasonable loss of amenity through overshadowing, overlooking or visual impact.

The amended site plan should be read together with the elevations, which show building height, deck/verandah details and relationship to natural ground level.

7.2 Site Coverage and Private Open Space, Clause 8.4.3

The proposal provides a modest increase in built form on an existing residential site. Overall site coverage remains appropriate for the General Residential Zone and is consistent with the residential character of the area.

The proposal is assessed against Clause 8.4.3 as a single dwelling with a secondary residence.

The existing principal dwelling retains useable private open space. The secondary residence is provided with an outdoor area capable of supporting day-to-day residential amenity, including outdoor recreation and operational needs. The private open space arrangement is appropriate to the compact scale of the secondary residence and the continued residential use of the site.

7.3 Privacy and Amenity, Clause 8.4.6

The proposal is designed to maintain reasonable privacy and amenity for adjoining properties. The rear structures are low in height and modest in scale, with limited opportunities for overlooking. Any decks, openings or elevated elements are shown on the amended drawings and can be screened or managed as required to avoid unreasonable privacy impacts.

The retrospective deck and verandah associated with the principal dwelling are domestic in scale and do not create an unreasonable amenity impact when considered in the context of the existing residential use of the site.

8. Parking and Access, Clause C2.5.1 and Clause C3.5.1

Vehicle access is provided from Cameron Street via existing vehicle crossovers. The amended plans show the existing crossover locations and the proposed access and parking arrangement.

The existing dwelling is provided with two on-site parking spaces. The secondary residence shares the access and parking arrangements of the existing dwelling, consistent with the definition of secondary residence, and no separate parking space is proposed or required for the secondary residence.

The ancillary studio/outbuilding is associated with the principal dwelling and does not generate a separate residential parking demand.

The proposal does not require a new vehicle crossing and is not expected to create an unreasonable traffic or safety impact at the existing vehicle crossings.

9. Surface Materials, Clause C2.6.1

Parking areas, access ways and manoeuvring areas are proposed to be finished with decomposed compacted granite, as shown on the amended plans. This surface is appropriate to the residential setting, provides a durable all-weather surface, and assists with permeability compared with a fully sealed surface.

The proposed surface treatment is not expected to result in unreasonable nuisance, dust, sediment movement or stormwater impacts, subject to appropriate construction and maintenance.

10. Stormwater Management, BRE-S2.7.1

Stormwater from the existing dwelling, retrospective verandah, secondary residence and ancillary studio/outbuilding is to be managed in accordance with the amended plans and the Stormwater Management Specific Area Plan, BRE-S2.0.

No evidence of an existing stormwater connection to the existing principal dwelling could be located. A new stormwater connection to the kerb on Gardiners Creek Road is therefore proposed for the existing dwelling, to be constructed generally in accordance with TSD-SW29-v3 (asphalt footpath/nature strip detail), with kerb outlet type to be confirmed to suit the existing kerb profile at construction/Works Permit stage.

The amended plans show existing and proposed stormwater arrangements, including how stormwater from the secondary residence and ancillary studio/outbuilding will be directed to appropriate discharge points. The limited roof areas associated with the rear structures allow stormwater to be managed without unreasonable off-site impacts.

11. Priority Vegetation Area Overlay, Natural Assets Code C7.0

No vegetation clearing is proposed as part of the development. The works are located within previously cleared areas of the site and are not expected to impact priority vegetation or habitat values.

12. Conclusion

The amended proposal provides for one secondary residence and one ancillary studio/outbuilding associated with the existing principal dwelling, together with retrospective approval of the existing deck and verandah. The proposal is modest in scale, makes use of existing structures, and maintains the established residential character of the property.

The secondary residence is consistent with the planning scheme provisions for secondary residences, and the ancillary studio/outbuilding is appropriately limited to private studio/workshop use with basic restroom facilities. The amended application material addresses residential amenity, setbacks, private open space, parking, access, surface materials, stormwater and vegetation matters. The proposal is considered an appropriate residential outcome for the site.