

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 2026 / 00185
Applicant	Szekely Planning Advisory
Proposal	Residential - Alterations/Additions to Existing Dwelling & Construction of New Pergola, Carparking Spaces and Crossover
Location	1 Legge Street, Falmouth (CT 117599/1)

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 19th September 2026 **until 5pm Friday 2nd October 2026.**

John Brown
GENERAL MANAGER

1 Legge street Falmouth 7215

Existing house renovation, new pergola & new parking area

DWG No.	TITLE	SCALE
D.A - 01	Cover page & Site plan	
D.A - 02	Existing plan & elevations	1:100
D.A - 03	Design plan	1:100
D.A - 04	Design elevations	1:100

PROJECT SPECIFICATION
Renovation of existing Residence with new pergola and parking area
(Class 1a building)

- BUILDING AREAS**
- Existing house including verandah - 98.28 sqm
 - Proposed renovation area - 98.28 sqm
 - Mesh roof pergola - 23 sqm
 - Decking 18.3 sqm

Building footprint - 98.28 square metres

SITE COVERAGE - 18.7 %

ZONING
10. Low Density Residential

PROPERTY ID
6400486

TITLE REFERENCE
117599/1

SITE AREA
525.785 sq metres



illian van der Schans
M.Arch (research) B.Arch
(1st class Hon.) B.Env.Des (dist.)

Environmentally aware design
architecture, interior design,
furniture & colour consultation.

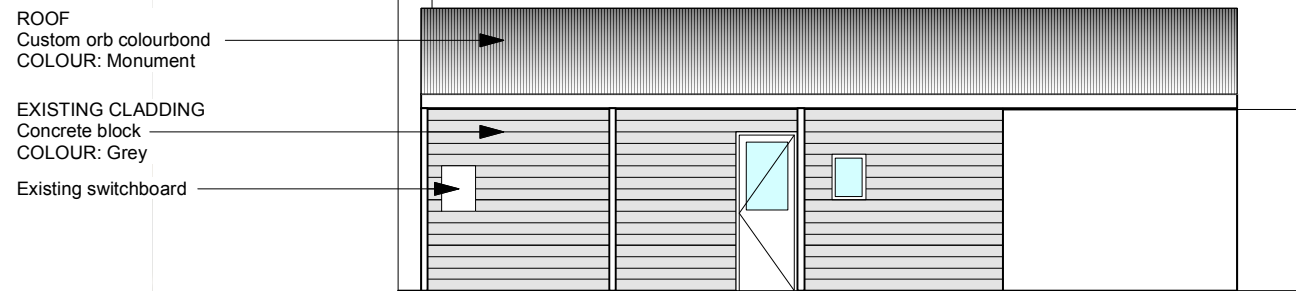
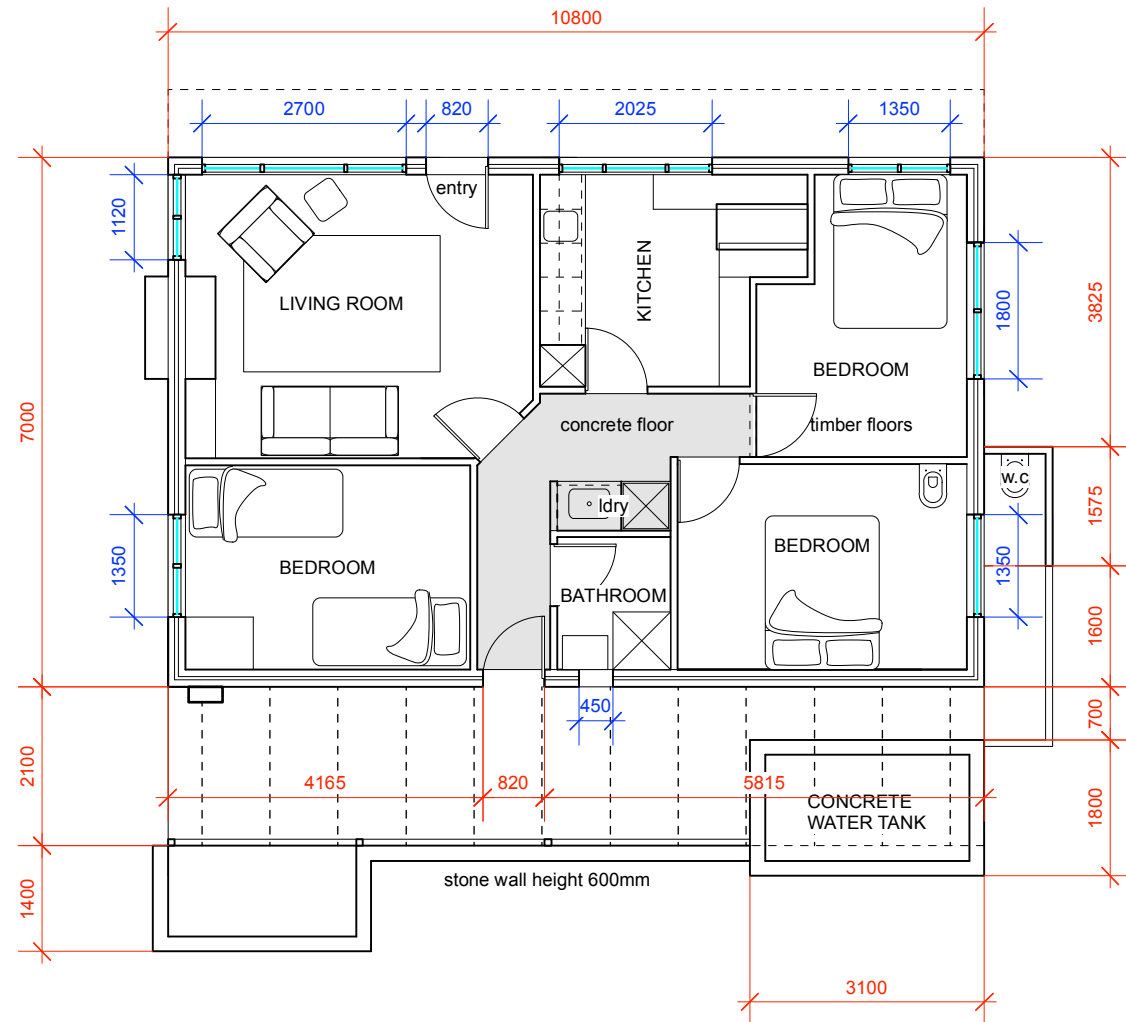
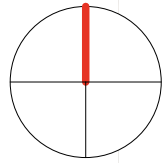
12 Salisbury crescent
West Launceston
7250
T: 63 341010
M: 0488 586 076
E: vanderschans@bigpond.com

DRAWING:
Cover page &
Site plan

DATE: 20th August 2026
ACCREDITATION
No CC633U

SCALE: 1:500	PAGE NO: 1/4	1. Design drawings must not be scaled.
REVISION:	DRAWN: GvdS	2. All dimensions in millimetres unless noted otherwise.
		3. Verify all dimensions on site.
		4. All drawings shall be read in conjunction with consultants specifications and details.
		5. Any discrepancies shall be referred to the Designer

Paul Bunn
1 Legge street
Falmouth
7215

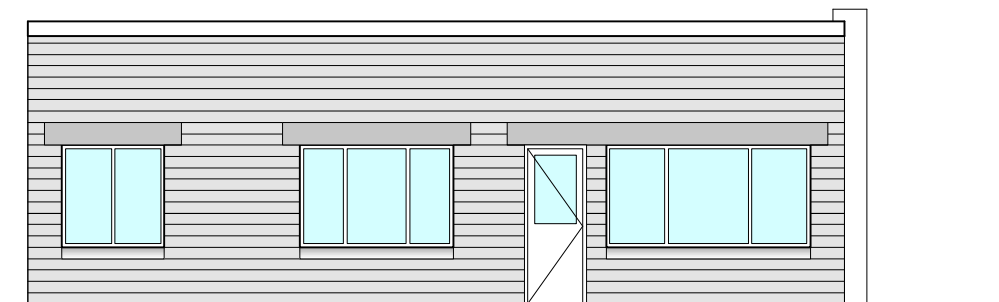


SOUTH ELEVATION

EXISTING WINDOWS
Single glazed aluminum
COLOUR: Bronze

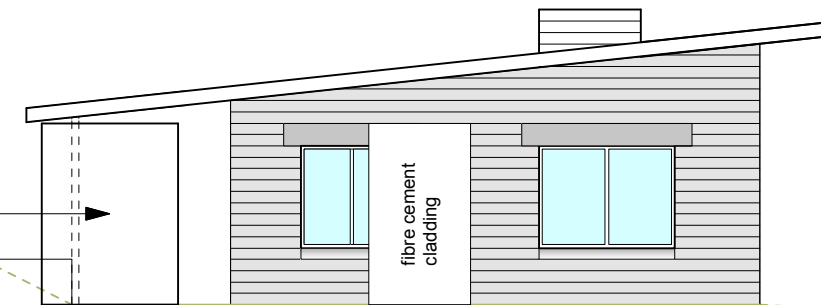


WEST ELEVATION



NORTH ELEVATION

CONCRETE
WATER TANK



EAST ELEVATION

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Design plan

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Paul Bunn
1 Legge street
Falmouth
7215

COUNCIL ROAD - LEGGE STREET

BREEZE BLOCK SCREENING FENCE
Exempt boundary fencing under separate application
Height 1800mm
Greater than 1/3 transparency
COLOUR : Pearl white

EXISTING PARKING AREA

SLIDING FENCE PANEL
Painted treated pine slats
COLOUR : Shoji white

SLATTED TIMBER GATE
Painted treated pine slats
COLOUR : Shoji white

PERGOLA STRUCTURE
Galvanised steel
Painted finish
COLOUR: Shoji white

PERGOLA ROOF
Webforge A253 grating Pattern A 25x3 Loadbar,
sheet size 993x5800mm
Spray painted finish
COLOUR: Shoji white

**EXISTING LARGE
MACROCARPA PINE TREE**

STEPPED PATHWAY
Paving stones
Honeyed limestone pavers

SIDE BOUNDARY BLOCKWORK FENCE
Greater than 1/3 transparency for 4.5m length
COLOUR: Pearl white
Exempt boundary fencing
under separate application

NEW DRIVEWAY
New exposed aggregate concrete
driveway for site access from Legge street

Environmentally aware design
architecture, interior design,
furniture & colour consultation.

hot tub

LIVING ROOM

BEDROOM

BATHROOM

robe

h.w

DINING

BEDROOM

robe

h.w

shelves

shelves

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shelves

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TITLE BOUNDARY 22.93m

SLATTED TIMBER GATE
Painted treated pine
COLOUR : Shoji white

existing retained edge

SKYLIGHTS
6x Velux FCM fixed skylights
870x1505mm

SIDE BOUNDARY BLOCKWORK FENCE
Retaining edge to bottom
overall height 1800mm
COLOUR: Pearl white
Exempt boundary fencing
under separate application

TITLE BOUNDARY 22.93m

retained edge height 600mm

8160

2x 10,000 ltr tanks

1600

4600

600

2700

6790

4500

0085

8160

2x 10,000 ltr tanks

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DRAWING:
Design elevations with
perimetre fences

DATE: 20th August 2026

ACCREDITATION
No CC633U

SCALE:
1:100

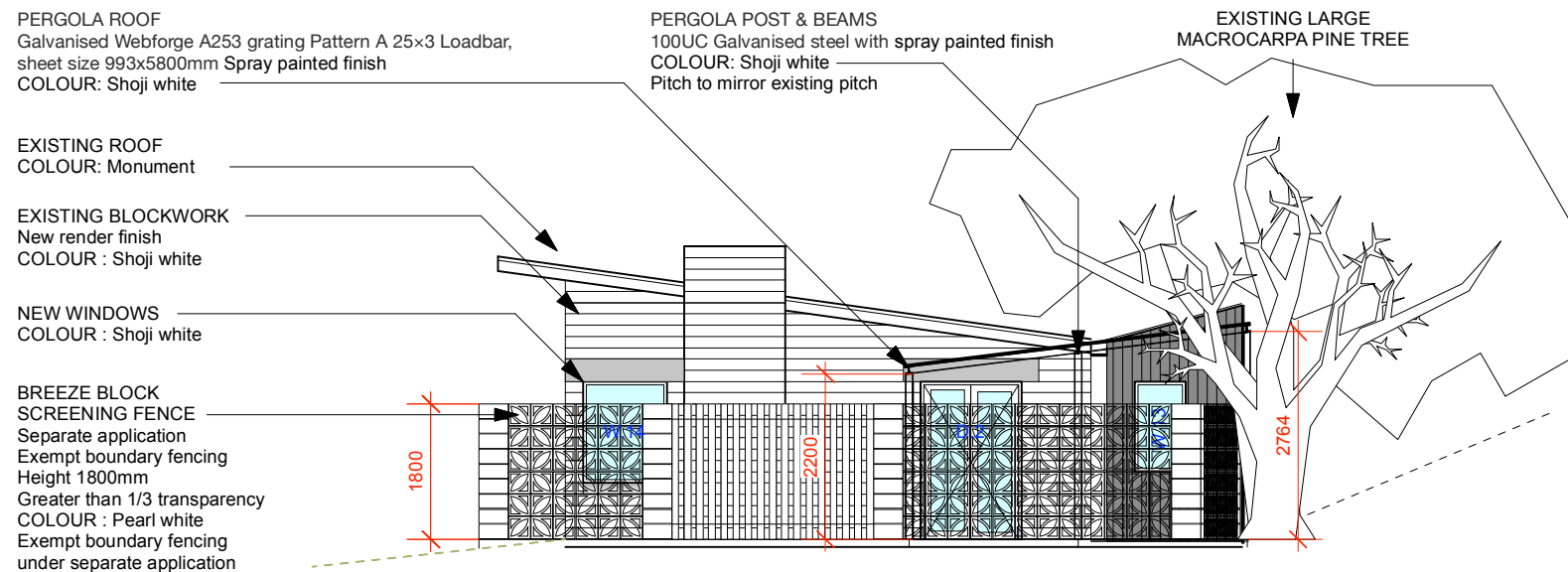
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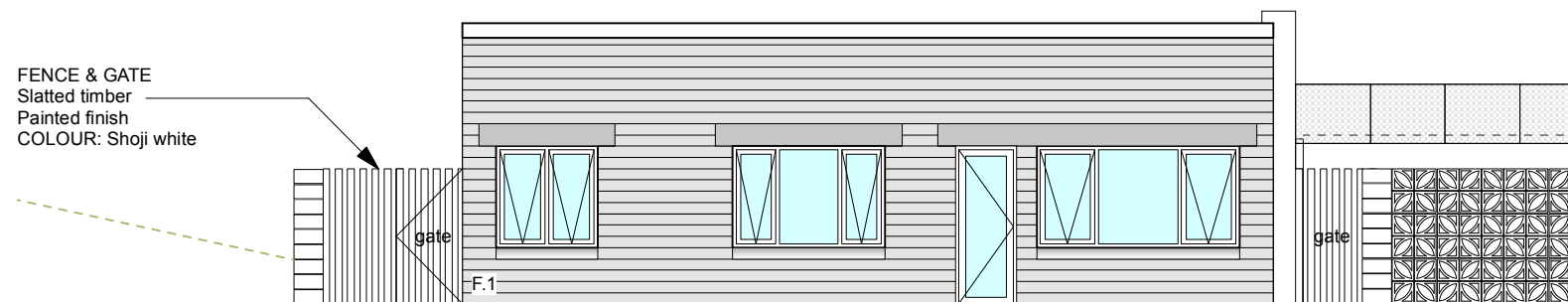
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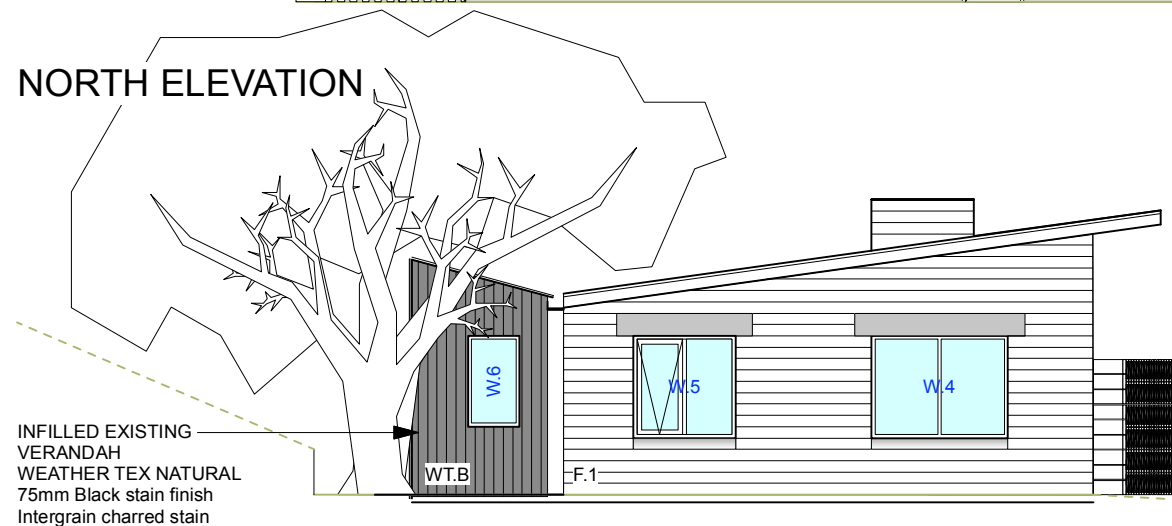
Paul Bunn
1 Legge street
Falmouth
7215



WEST ELEVATION - LEGGE STREET



NORTH ELEVATION

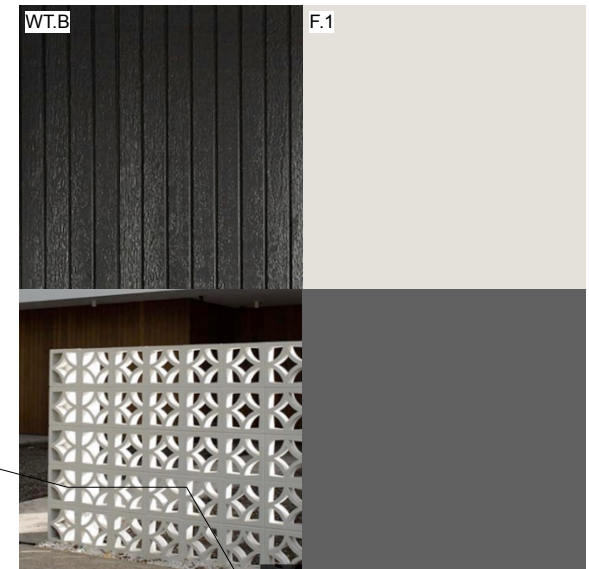


EAST ELEVATION

MATERIALS

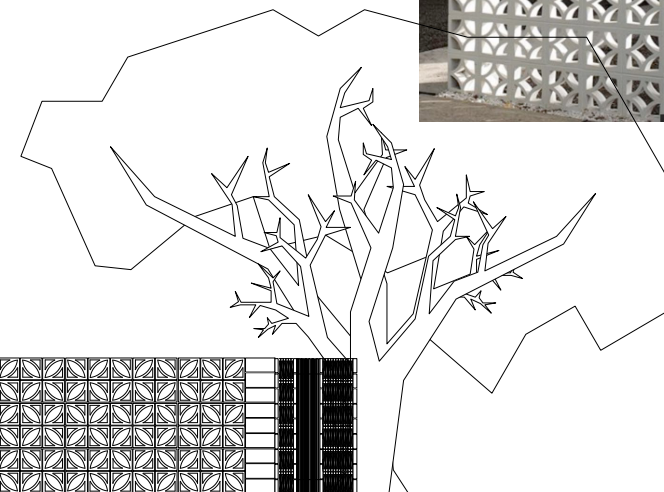
WEATHER TEX NATURAL
75mm Black stain finish
Intergrain charred stain
Infilled verandah

BREEZE BLOCKWORK
COLOUR: Pearl white



RENDERED WALLS
WINDOW & DOORS
COLOUR: Shoji white

ROOF
Colourbond steel
COLOUR: Monument



SOUTH ELEVATION



Break O'Day

1 Legge Street, Falmouth

Residential – Alterations and Additions to Existing Dwelling
& New Vehicle Crossing

Deborah Szekely

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1. Introduction

This report has been prepared in support of a planning permit application under Clause 6.6 of the State Planning Provisions and *Land Use Planning and Approvals Act 1993*.

Proposed Development

Residential – Alterations and Additions to Existing Dwelling & New Vehicle Crossing

This report is to be read in conjunction with the following plans:

Document

1. Drawing No. 01 – 04: Gillian van der Schans Architect

2. Subject Site and Proposal

2.1 Site Details

Address:	1 Legge Street, Falmouth
Property ID:	6400486
Title Reference:	117599/1
Land Area:	464 m ²
Planning Authority:	Break O’Day
Easements:	Nil
Application status:	Discretionary
Existing access:	Legge Street
Zone:	10.0 Low Density Residential Zone
Overlays:	Nil.
Existing development:	Dwelling
Existing services and infrastructure	
Water & Sewerage	Un-Serviced

Stormwater	Serviced (BODC)
------------	-----------------

2.2 Proposal

The existing dwelling is within the Residential Use Class within the Low Density Residential Zone. Development includes:

- Conversion of rear open verandah attached to existing dwelling, to enclosed Kitchen, Laundry and associated residential use;
- Construction of pergola outdoor area with permeable roof material;
- External minor alterations to existing dwelling;
- Landscaping including stepped pathway;
- Onsite double car parking; and
- New vehicle crossing from Legge Street.

2.3 Images



Figure 1. Aerial view of the subject site



Photo 1 North facing existing dwelling



Photo 2 Rear existing attached verandah



Photo 3 Existing tree to be retained



Photo 4 Legge St Stormwater Infrastructure (BODC)



Photo 5 Existing Access – Legge St

2.4 Site Characteristics

2.4.1 Access

The existing residential use achieves site access via a compacted gravel road, Legge Street, which is a council maintained road. The below figure demonstrates the extent of the council maintained road in relation to the subject site.



Figure 2 Council maintained road.

The Road Authority (BODC) has confirmed that Legge St is a council maintained road.

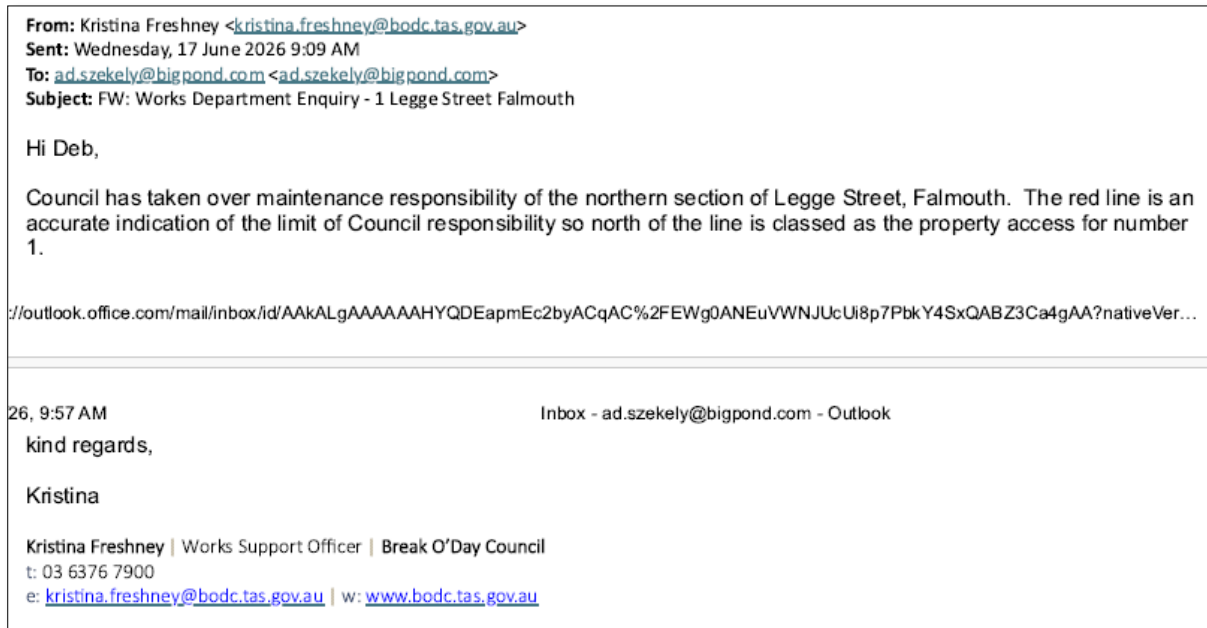


Figure 3 Written confirmation from the Road Authority

Council has also confirmed that the existing access is achieved from a Council maintained road and does not require a crown licence to access the property. This further confirms that the application does not require Crown consent to lodge the application based on access to the site.



Figure 4 Written confirmation Crown licence for existing access to property is not required.

2.4.2 External alterations / Crown Land

Works onsite will include external alterations to the north facing elevation within the existing crown licence area and Four Mile Ck Conservation Area. These external works

are, however, exempt from requiring a planning permit in accordance with Clause 4.3.4 minor alterations. The exemption ensures that Crown consent to lodge is not required in association with this development application. All development on site that requires a planning permit is contained within the property boundaries.

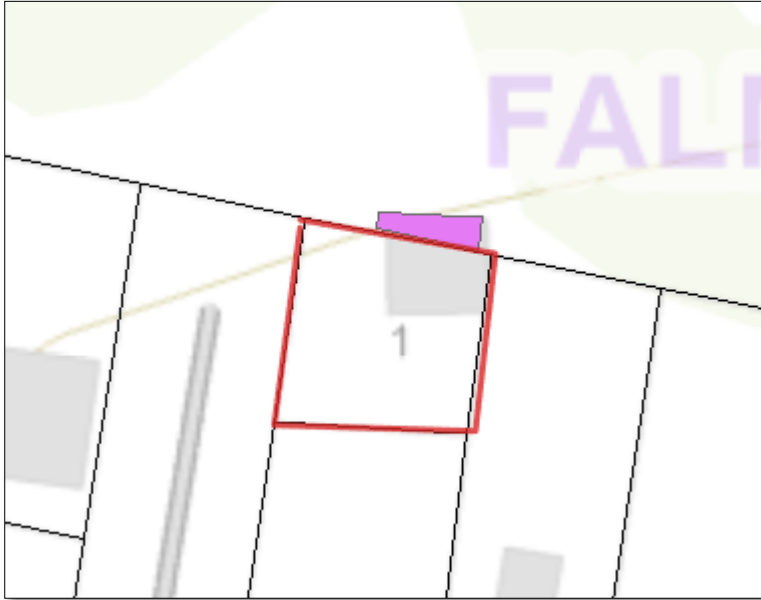


Figure 5 Crown Licence

2.4.3 Site Boundaries

It is important to note that the development site is the subject of a boundary investigation that also involves the adjoining properties. In any case, dependent on the outcome of further investigations all use and development will be constructed within the determined (legal and survey) property boundaries. Discretionary matters remain discretionary and no matters satisfying Acceptable Solutions alter or cause further discretions. The assessment status of the use and development remains the same.

3. Zone and overlays

3.1 Zoning

The site is zoned 10.0 Low Density Residential Zone under the Scheme.

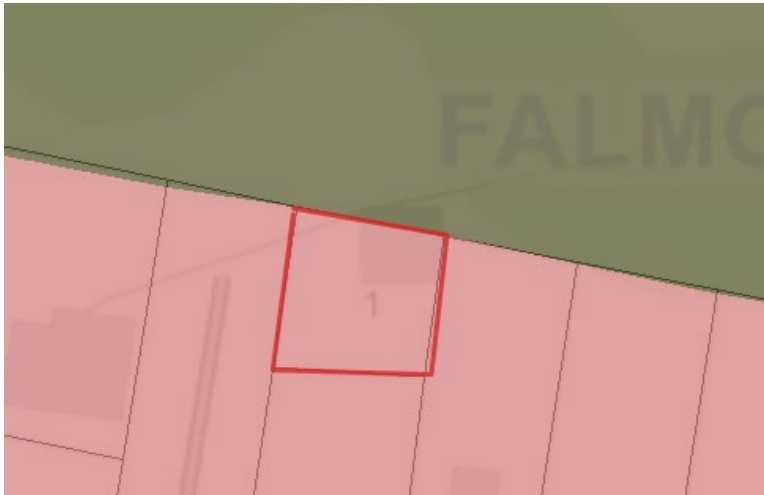


Figure 2. Low Density Residential Zone

The proposed additions and alterations serve the existing residential single dwelling and is within the Residential Use Class which is a No Permit Required use within the zone.

4. Development Assessment

4.1 Low Density Residential Zone

4.1.1 Use Standards

The site supports an existing Residential use within the Residential Use Class. Residential Use is a No Permit Required use within the zone. There is no proposed change to the use, and the proposed additions and alterations are within the Residential Use Class.

10.3.1 Discretionary Uses.

The proposed development is for an existing use within the Residential Use Class. A Residential use is a No Permit Required Use within the Low Density Residential Zone. The use does not include Discretionary uses.

10.3.2 Visitor Accommodation

The proposed development is for an existing residential use within the Residential Use Class. The proposed use does not include Visitor Accommodation.

4.1.2 Development Standards for Dwellings

10.4.1 Residential Density for Multiple Dwellings

Not Applicable. The proposed development is for additions and alterations to an existing dwelling and does not include multiple dwellings.

10.4.2 Building Height

The proposed development is for additions and alterations to an existing dwelling. The proposed additions include the modification of the rear covered deck to enclose and form part of the main dwelling. Additionally, construction includes a detached pergola structure.

The maximum height of any new development associated with the residence is 3.1m.

The proposed development satisfies the **acceptable solution**.

10.4.3 Setback

A1/P1

Assessment against the Performance Criteria is required.

The proposed Pergola (pervious roofing material) does not satisfy the requirements of exemption 4.3.11 garden structures. Additionally, if the structure is classified as an ‘outbuilding’ it is unlikely to satisfy clause 4.3.7 outbuildings. The proposed pergola has a setback to the ‘frontage’ of approximately 5m.

The existing dwelling and proposed additions and alterations are located at the end of Legge St which consists of a gravel road maintained by Council. The development site is an unusually small lot within the Low Density Residential Zone and shares a northern side boundary with reserve land and coastal environment. Development sites to the east, south and west are considerably larger lots orientated northward and sloping towards the coastline. The resultant effect is that the subject site and existing and proposed development are far removed from adjoining and adjacent residential uses. In relation to adjacent lots the development site is secluded and at a lower contour providing significant separation in both a perceived and actual sense. Additionally, vistas and view lines are orientated to the ocean and large coastal reserve north of the site and adjacent uses. The streetscape and vista of existing development on Legge Street is one of single dwellings on a gravel maintained road all orientated and designed to maximise views to the ocean and coastal reserve whilst utilising the moderate slope and reducing contour to the coast. The proposed location and setback to the frontage, of the open and modest sized (23m²) pergola is considered to be compatible with the streetscape and character of existing development on Legge Street. Additionally, the proposed pergola will be extensively visually screened by the existing large Macrocarpa Pine Tree located both within the road reserve and partially on the subject site and will be retained. Existing development, with frontage to Legge Street provides examples of development within the prescribed frontage setback, many of which are in closer proximity to the road reserve than the proposed pergola. The pergola, located in close proximity to the terminal point of Legge Street will not impact the safety of local road users.

It must also be recognised that the existing subject site is an unusually small lot size within the LDRZ and will always be constrained and challenged in terms of satisfying the acceptable solution for boundary setbacks. The proposed design has responded to these challenges.

The proposed modest development in both bulk and form is able to satisfy the **performance criteria**.

A2/P2

Assessment against the Performance Criteria is required.

The proposed additions and alterations to the existing dwelling on site, includes the enclosure of the rear open verandah to create a kitchen / laundry and residential use area. The enclosure of this area, in vicinity to the rear boundary, causes a discretion in that the rear boundary setback will be approximately 3.1m in lieu of the acceptable solution 5m.

It should be noted that development includes the demolition of an amenities area that currently has a greater encroachment into the rear boundary setback than the proposed development. The enclosure of the rear verandah will not increase the encroachment within the rear boundary setback greater than what is existing and in fact will reduce the same albeit in a different location. As there is no further encroachment to that which is existing within the rear boundary setback there cannot be an unreasonable loss of amenity to the adjoining use as a result of the proposed development.

Additionally, the photo below demonstrates how the existing rear verandah is cut into the slope of the site providing further minimisation of any boundary setback impact when considering the slope of the site and extensive separation from the adjoining use and resultant visual obscurity.

The proposed development within the rear boundary setback, utilises existing cut to obscure the development as utilises existing levels and contours. The design achieves extensive separation from the adjoining use and as the existing dwelling and the adjoining dwelling are orientated north facing, there will be no impact adjoining private open space or habitable rooms.

The proposed development responds to the challenges a small lot (464m²) within a LDRZ poses in terms of boundary setbacks with the modest development still achieving significant separation from the adjoining use.

In terms of existing development, the proposed alterations and additions do not alter the existing amenity experienced by the adjoining property and therefore cannot cause an unreasonable loss of amenity by the same.

The proposed development is able to satisfy the **performance criteria**.

10.4.4 Site Coverage

The development site has a land area of approximately 464 m². The proposed alterations and additions do not increase the site coverage to that which is existing. The proposed pergola has a pervious roof material and is unlikely to be considered a roofed building. In this sense there is no increase in site coverage proposed.

If however the proposed pervious roofing material to the pergola is considered to contribute to site coverage, the existing and proposed structures have a combined site coverage of approximately 120 m² (26% - generous rounding).

The proposed development satisfies the **Acceptable Solution**.

10.4.5 Frontage fences for all dwellings

Not applicable.

No frontage fencing is proposed as part of this application. The frontage fencing depicted on the plans forms part of a separate Building Application (BA 2026 / 00168) and has been determined to be Exempt from requiring a planning permit in accordance with Clauses 4.6.3 and 4.6.4 of the State Planning Provisions.

4.1.3 Development Standards for Non-Dwellings

Not applicable.

Development is for a dwelling.

4.1.4 Development Standards for Subdivision

Not applicable.

Development does not include subdivision.

The proposed development satisfies the Acceptable Solution of all relevant Use Standards and Development Standards for Dwellings, within the Low Density Residential Zone.

4.2 C2.0 Parking and Sustainable Transport Code

4.2.1 C2.5 Use Standards

C2.5.1 Car Parking Numbers

The existing dwelling supports three bedrooms within the Low Density Residential Zone. The proposed development for additions and alterations will result in a residential dwelling with two bedrooms only.

In accordance with A1(d)(ii) the calculation for on-site car parking equates to:

$$N = 1 + (2-2)$$

N= 1 car parking space required.

The existing site supports one car parking space and satisfies the **Acceptable Solution**.

However, the application also includes an additional access and onsite uncovered car parking spaces for a further two vehicles. The site will be able to accommodate on site car parking for three (3) vehicles which is in excess of requirements (Table C2.1).

C2.5.2 Bicycle parking numbers

Not applicable. There is no requirement for bicycle parking spaces.

C2.5.3 Motorcycle parking numbers

Not applicable. There is no requirement for on-site motorcycle parking spaces.

C2.5.4 Loading Bays

Not applicable. There is no requirement for loading bays.

C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone

Not applicable.

4.2.2 C2.6 Development Standards for Buildings and Works

C2.6.1 Construction of parking Areas

Assessment against the Performance Criteria is required.

Existing Parking Area

Parking and access ways for manoeuvring and circulation is existing and has served the residential use historically. Legge Street is a compacted gravel council maintained road and access and car parking spaces arising from Legge St will also continue to be compacted gravel. This is consistent with parking, accessways and manoeuvring spaces associated with development in Falmouth and continues to be useable in all weather conditions.

The proposed development satisfies the **Performance Criteria**.

Proposed Parking Area

The proposed two car parking area in proximity to the southern side boundary will be constructed with a durable all weather pavement, be drained to the public stormwater system and be surfaced with material to restrict abrasion from traffic and minimise entry of water to the pavement. The Acceptable Solution A1 is satisfied.

C2.6.2 Design and layout of parking areas

The proposed development satisfies A1.1(a).

A1.2 is not applicable as accessible carparking is not required.

The proposed development satisfies the **Acceptable Solution**.

C2.6.3 Number of accesses for vehicles

The development site supports one existing vehicle access from Legge St. Proposed development includes an additional access (crossover) from Legge Street, a council maintained road, as demonstrated in the site plan.

Assessment against the **Performance Criteria** is required.

The site is a small lot, approximately 526 m², with existing access and on site car parking in close proximity to the northern side boundary. The existing large pine tree, which is to be retained, constrains any additional onsite car parking in this area and therefore constrains the use of the existing access. As a result, onsite car parking for additional vehicle(s) will be provided for on the south extent of the title with access gained via a new additional crossover from Legge Street. The additional crossover enables an expected secondary vehicle to be parked on site and not require any on-street parking. The additional crossover is not superfluous but is in response to the need to provide onsite car parking for additional vehicle(s) given the council maintained gravel road and open drain not accommodating on street parking, existing vegetation in vicinity to the dwelling and existing car space being in a location with limited available space. In this sense the number of accesses required to service the residential use has been minimised and prevents the need for on-street parking.



Photo 6. Existing access, car park and existing pine tree.

Importantly, the low volume of vehicle traffic in this northern aspect of Legge Street ensures there will be no impact on pedestrian or traffic safety with clear visibility available and only one other residence utilising this portion of the no through road.

The large adjoining lot will not be impacted by the location of the second crossover due to the topography and extensive separation of use ensuring their existing residential amenity is maintained. Similarly, the streetscape will continue to visually support a small number of dwellings (3) utilising the northern extension of Legge Street for access to residential use.



Photo 7 Access to 1 Legge St.



Photo 8 Residential uses serviced by Legge St.

The proposed development is able to satisfy the **Performance Criteria**.

C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone

Not applicable.

C2.6.5 Pedestrian Access

Not applicable.

C2.6.6 Loading Bays

Not applicable.

C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone

Not applicable.

C2.6.8 Siting of parking and turning areas

Not applicable.

4.2.3 C2.7 Parking Precinct Plan

C2.7.1 Parking Precinct Plan

Not applicable.

4.3 C3.0 Road and Railway Assets Code

This code applies to a use or development that will require a new vehicle crossing.

4.3.1 C3.5 Use Standards

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

A1.1 Not applicable. Legge Street is not a category 1 road or limited access road.

A1.2 Not satisfied. A new vehicle crossing is proposed and written consent from the road authority has not been sought prior to lodging the development application.

A1.3 Not applicable. A new private level crossing is not proposed.

A1.4 Satisfied. Use of the existing vehicle crossing will not increase.

A1.5 Not applicable. Legge Street is not a major road.

The proposed use is unable to satisfy Acceptable Solution A1.2 as the road authority has not issued written consent for a new vehicle crossing but instead is to be considered as part of this development application. **The performance criteria P1 is required to be addressed.**

The northern extent of Legge Street, which is a council maintained gravel road, is a no through road and services access to three residential properties only, including the subject property. To this extent the volume of traffic utilising this portion of Legge Street is very low with vehicles speeds also expected to be low given the termination of Legge Street and standard of construction (gravel).

The additional crossover from Legge Street enabling vehicular traffic to and from the site will not increase expected / current vehicular traffic with no intensification of the existing residential use but instead will positively impact safety and efficiency of the road network by ensuring all vehicle parking can be accommodated on site and negating the need for on street parking. With no increase in traffic caused by the additional crossover and the nature of the traffic continuing to serve a residential use with no intensification, there is no expected adverse effect on safety or road efficiency as a result of the additional crossover, the suitability of which will be assessed by the road authority.

As discussed in response to C2.0 Parking and Sustainable Transport Code, the need for the additional crossover is to merely serve the existing residential use and provide adequately for onsite car parking. The existing crossover provides access for one car parking space but due to existing and proposed development (pergola and outdoor private open space) and existing vegetation, additional car parking is constrained.

The additional vehicle crossing will enable the site to provide adequately for onsite car parking and access to the residential use. The low traffic volume and limited use of a no through road does require a traffic impact assessment and can instead be adequately considered by the road authority.

The proposed development is able to satisfy the **Performance Criteria**.

4.3.2 C3.6 Development Standards for Building or Work

Not applicable. The habitable building is not within a road or railway attenuation area. No further assessment against the standard is required.

4.3.3 C3.7 Development Standards for Subdivision

Not applicable. Development does not include Subdivision. No further assessment against the standard is required.

5. Conclusion

The proposed additions and alterations to the existing Residential dwelling, have been assessed against the objectives of the Scheme, in particular the Low Density Residential Zone and all relevant Codes and issues. The application has demonstrated compliance with the Acceptable Solutions and relevant Performance Criterion. We look forward to the Break O’Day Council issuing a Development Permit for the proposed development located at 1 Legge Street, Falmouth.



Deborah Szekely (MPIA)

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Szekely Planning Advisory (24/08/2026).

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11 September 2026

General Manager
Break O'Day Council
32-34 Georges Bay Esplanade
St Helens TAS 7216
E: admin@bodc.tas.gov.au

Dear Sir,

**RE: DA 185-2026 Residential – Alterations and Additions to Existing Dwelling &
New Vehicle Crossing – 1 Legge Street Falmouth
Response to Council Request for Further Information**

Please find below matters relating to Council's request for further information dated 3 September 2026.

Window shades

Please find attached amended plans that demonstrate the removal of the window shade structures from the proposal plans.

Water Storage Tanks

The residential use at 1 Legge Street Falmouth is in an un-serviced residential area reliant on onsite capture of rainwater. Renovations associated with the existing dwelling includes the placement of two (2) 10 000L rainwater tanks on site as illustrated in the submitted site plan. The proposed rainwater tanks are to be sited as per the submitted site plan. One tank is currently on site but not installed, whilst the other tank will be on site in the near future as renovations progress. Please refer to below photograph. The two rainwater tanks are within the colour similar to Monument.



Rainwater Tank – 1 Legge Street Falmouth.

The existing dwelling is within the Low Density Residential Zone and is reliant on the proposed water tanks as a water supply within the un-serviced area. The site is constrained in locating the rainwater tanks due to its small land area (464 m²) and geological attributes in addition to topography. The photos below demonstrate the extent and presence of rock on the site, limiting placement of the storage tanks.







As demonstrated on the submitted site plan the water storage tanks (2 x 10 000L) are proposed to be located within the frontage and within the crown of the large existing Macrocarpa Pine Tree and set back approximately 1m. The rainwater tanks are within the frontage setback. Rainwater Tanks are a class 10b structure and whilst normally forming part of a dwelling, do not meet the definition of dwelling. The assessment has been completed under 10.5 Development Standards for Non – Dwellings. Due to their siting, the water tanks do not satisfy exemption Clause 4.6.13.

10.5 Development Standards for Non-dwellings

10.5.1 Non-dwelling development

Objective:	That all non-dwelling development: (a) is compatible with the streetscape; (b) is compatible with the form and scale of existing residential development; and (c) does not cause an unreasonable loss of amenity to adjoining properties.
Acceptable Solutions	Performance Criteria
A1 A building that is not a dwelling must have a building height not more than 8.5m.	P1 The height of a building that is not a dwelling must be compatible with the streetscape and not cause an unreasonable loss of amenity to adjoining properties, having regard to: (a) the topography of the site; (b) the height of buildings on the site and adjacent properties; (c) the bulk and form of existing and proposed buildings; (d) sunlight to habitable rooms of dwellings and private open space; and (e) any overshadowing of adjoining properties.
Response	

The proposed water storage tanks do not have a height greater than 8.5m. The 10 000L Tanks have a height of 2360mm.

The Acceptable Solution is satisfied.

A2

A building that is not a dwelling, excluding protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage not less than 8m.

P2

The siting of a building that is not a dwelling must be compatible with the streetscape and character of development existing on established properties in the area, having regard to:

- (a) the topography of the site;
- (b) the setbacks of surrounding buildings;
- (c) the height, bulk and form of existing and proposed buildings;
- (d) the appearance when viewed from roads and public open space adjacent to the site; and
- (e) the safety of road users.

Response:

It is first relevant to establish that the development site is located at the terminal end of a no through road with limited properties fronting this portion of Legge Street (four properties in total). The three other properties with frontage to this portion of Legge Street are all sites with larger land area consistent with the Low Density Residential Zone. As a result all properties are extensively separated from each other and orientated northwards to capture the ocean and coastal views. Additionally the road slopes gently towards the northern end with the adjoining and adjacent properties at higher elevations with view lines and vistas extending over the top of 1 Legge Street towards the ocean, rather than into it. Given the un-serviced nature of the locality, water storage tanks form an essential and common structure within individual land parcels and form part of the streetscape and character of existing development as can be demonstrated in the photo below. This photo shows the proposed location of the

storage tank associated with this development and the location of a storage tank associated with the adjoining property.

The topography of the site is relevant to the placement of the structure on the development site to ensure capture of rainwater and avoidance of constraints (rocky substrate), but it is also relevant in terms of how the impact of the structure within the frontage is reduced by adjoining and adjacent dwellings orientated to capture views to the north with the proposed tanks being recessive due to topography, colour and interspersed domestic vegetation.





The photo below demonstrates how the colour, modest size and placement of the water tank enables the same to be absorbed into the site and appear compatible with the residential area. It is important to note that the tanks will be further obscured by the proposed side boundary fence (DA2026/168 as mentioned in the RFI) from views by properties to the south. The existing large *Macrocarpa* tree (see previous photos) further shields and obscures the tanks from view from public spaces, and it should be remembered that further landscaping, as renovations progress, will enable absorption of the structures into the streetscape. Relevantly, the street is a dead end street with limited properties fronting the same and limited traffic both vehicle and pedestrian. The location of the tanks will not affect the safety of road users due to the low volume of vehicles utilising the no through road, the low speed capacity given the design and

form of the gravel road and the structures do not affect sight distance in relation to road users.

Rainwater tanks within this neighbourhood form a usual and expected part of the streetscape and form part of the character of this small residential community. The siting of the structures is compatible with the streetscape given the ability to obscure the same and the effect topography has on view lines and does not cause an unreasonable loss of amenity for adjoining properties as demonstrated above.

Additionally, the proposed structures are of a type, form and scale similar and compatible with the existing residential development in the area and form a commonplace structure within the hamlet.

The development is able to satisfy the performance criteria.

A3

A building that is not a dwelling 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.

P3

The siting of a building that is not a dwelling, must not cause 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.

Response:

The development is sited greater than 5m to the side and rear boundaries.

The development satisfies the Acceptable Solution.

A4

A building that is not a dwelling must have a site coverage of not more than 30%.

P4

The site coverage of a building that is not a dwelling 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 provision for landscaping and private open space;
- (f) the need to remove vegetation; and
- (g) the site coverage of adjacent properties.

Response:

Not applicable.

The development does not contribute to site coverage.

A5

No Acceptable Solution.¹²

P5

A fence (including a free-standing wall) for a building that is not a dwelling within 4.5m of a frontage must:

	(a) provide for security and privacy, while allowing for passive surveillance of the road; and (b) be consistent with the height and transparency of fences in the street, having regard to: (i) the topography of the site; and (ii) traffic volumes on the adjoining road.
Response: Not applicable.	
A6 Outdoor storage areas, for a building that is not a dwelling, including waste storage, must not: (a) be visible from any road or public open space adjoining the site; and (b) encroach upon parking areas, driveways or landscaped areas.	P6 Outdoor storage areas, for a building that is not a dwelling, must be located or screened to minimise its impact on views into the site from any roads or public open space adjoining the site, having regard to: (a) the nature of the use; (b) the type of goods, materials or waste to be stored; (c) the topography of the site; and (d) any screening proposed.
Response: Not applicable.	
A7	P7

Air extraction, pumping, refrigeration systems or compressors, for a building that is not a dwelling, must have a setback from the boundary of a property containing a sensitive use of not less than 10m.¹³	Air conditioning, air extraction, pumping, heating or refrigeration systems or compressors, for a building that is not a dwelling, within 10m of a the boundary of a property containing a sensitive use must be designed, located, baffled or insulated to not cause an unreasonable loss of amenity, having regard to: (a) the characteristics and frequency of any emissions generated; (b) the nature of the proposed use; (c) the topography of the site and location of the sensitive use; and (d) any mitigation measures proposed.
Response: Not applicable.	

As the application should now be considered valid and the request for further information provided, we look forward to the notification period being scheduled. Please do not hesitate to contact me directly should you require further information to ensure the application progresses efficiently.

Yours sincerely,



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