

# DEVELOPMENT APPLICATION PDPLANPMTD-2023/041216

**PROPOSAL:** Additions & Alterations (Single Dwelling)

**LOCATION:** 110 Spitfarm Road, Opossum Bay

**RELEVANT PLANNING SCHEME:** Tasmanian Planning Scheme - Clarence

ADVERTISING EXPIRY DATE: 30 January 2024

The relevant plans and documents can be inspected at the Council offices, 38 Bligh Street, Rosny Park, during normal office hours until 30 January 2024. In addition to legislative requirements, plans and documents can also be viewed at www.ccc.tas.gov.au during these times.

Any person may make representations about the application to the Chief Executive Officer, by writing to PO Box 96, Rosny Park, 7018 or by electronic mail to <a href="mailto:clarence@ccc.tas.gov.au">clarence@ccc.tas.gov.au</a>. Representations must be received by Council on or before 30 January 2024.

To enable Council to contact you if necessary, would you please also include a day time contact number in any correspondence you may forward.

Any personal information submitted is covered by Council's privacy policy, available at <a href="https://www.ccc.tas.gov.au">www.ccc.tas.gov.au</a> or at the Council offices.

# Clarence City Council



## APPLICATION FOR DEVELOPMENT / USE OR SUBDIVISION

The personal information on this form is required by Council for the development of land under the Land Use Planning and Approvals Act 1993. We will only use your personal information for this and other related purposes. If this information is not provided, we may not be able to deal with this matter. You may access and/or amend your personal information at any time. How we use this information is explained in our **Privacy Policy**, which is available at <a href="https://www.ccc.tas.gov.au">www.ccc.tas.gov.au</a> or at Council offices.

Proposal:	Addition / Alteration
Location:	Address .1.1.0 .Spitfarm Road
	Suburb/Town Opossum Bay Postcode 7023
Current Owners/s: Applicant:	Personal Information Removed
Tax Invoice for application fees to be in the name of: (if different from applicant)	
	Estimated cost of development \$ 100 000
	Is the property on the Tasmanian Heritage Register?  Yes  No
	(if yes, we recommend you discuss your proposal with Heritage Tasmania prior to lodgement as exemptions may apply which may save you time on your proposal)

	If you had pre-application discussions with a Council Officer, please give their name
	Current Use of Site: Residential
	Does the proposal involve land administered or owned Yes No by the Crown or Council?
Declaration:	<ul> <li>I have read the Certificate of Title and Schedule of Easements for the land and am satisfied that this application is not prevented by any restrictions, easements or covenants.</li> <li>I authorise the provision of a copy of any documents relating to this application to any person for the purposes of assessment or public consultation. I agree to arrange for the permission of the copyright owner of any part of this application to be obtained. I have arranged permission for Council's representatives to enter the land to assess this application</li> <li>I declare that, in accordance with Section 52 of the Land Use Planning and Approvals Act 1993, that I have notified the owner of the intention to make this application. Where the subject property is owned or controlled by Council or the Crown, their signed consent is attached. Where the application is submitted under Section 43A, the owner's consent is attached.</li> <li>I declare that the information in this declaration is true and correct.</li> </ul>
Acknowledgement	I acknowledge that the documentation submitted in support of my application will become a public record held by Council and may be reproduced by Council in both electronic and hard copy format in order to facilitate the assessment process; for display purposes during public consultation; and to fulfil its statutory obligations. I further acknowledge that following determination of my application, Council will store documentation relating to my application in electronic format only.
Applicant's Signature:	Signature Darryn White Date 20/12/2023

PLEASE REFER TO THE DEVELOPMENT/USE AND SUBDIVISION CHECKLIST ON THE FOLLOWING PAGES TO DETERMINE WHAT DOCUMENTATION MUST BE SUBMITTED WITH YOUR APPLICATION.

# Clarence City Council



## DEVELOPMENT/USE OR SUBDIVISION CHECKLIST

#### Documentation required:

#### 1. MANDATORY DOCUMENTATION

This information is required for the application to be valid. An application lodged without these items is unable to proceed.			
Details of the location of the proposed use or development.			
A copy of the current Certificate of Title, Sealed Plan, Plan or Diagram and Schedule of Easements and other restrictions for each parcel of land on which the use or development is proposed.			
Full description of the proposed use or development.			
Description of the proposed operation.  May include where appropriate: staff/student/customer numbers; operating hours; truck movements; and loading/unloading requirements; waste generation and disposal; equipment used; pollution, including noise, fumes, smoke or vibration and mitigation/management measures.			
Declaration the owner has been notified if the applicant is not the owner.			
Crown or Council consent (if publically-owned land).			
Any reports, plans or other information required by the relevant zone or code.			
Fees prescribed by the Council.			
Application fees (please phone 03 6217 9550 to determine what fees apply). An invoice will be emailed			
upon lodgement.			

#### 2. ADDITIONAL DOCUMENTATION

In addition to the mandatory information required above, Council may, to enable it to consider an application, request further information it considers necessary to ensure that the proposed use or development will comply with any relevant standards and purpose statements in the zone, codes or specific area plan, applicable to the use or development.

#### □ Site analysis plan and site plan, including where relevant:

- Existing and proposed use(s) on site.
- Boundaries and dimensions of the site.
- Topography, including contours showing AHD levels and major site features.
- Natural drainage lines, watercourses and wetlands on or adjacent to the site.
- Soil type.
- Vegetation types and distribution, and trees and vegetation to be removed.
- Location and capacity of any existing services or easements on/to the site.
- Existing pedestrian and vehicle access to the site.
- Location of existing and proposed buildings on the site.
- Location of existing adjoining properties, adjacent buildings and their uses.
- Any natural hazards that may affect use or development on the site.
- Proposed roads, driveways, car parking areas and footpaths within the site.
- Any proposed open space, communal space, or facilities on the site.
- Main utility service connection points and easements.
- Proposed subdivision lot boundaries.

# Clarence City Council DEVELOPMENT/USE OR SUBDIVISION CHECKLIST



Where it is proposed to erect buildings, **detailed plan**s with dimensions at a scale of 1:100 or 1:200 showing:

- Internal layout of each building on the site.
- Private open space for each dwelling.
- External storage spaces.
- Car parking space location and layout.
- Major elevations of every building to be erected.
- Shadow diagrams of the proposed buildings and adjacent structures demonstrating the extent of shading of adjacent private open spaces and external windows of buildings on adjacent sites.
- Relationship of the elevations to natural ground level, showing any proposed cut or fill.
- Materials and colours to be used on rooves and external walls.
- ☐ Where it is proposed to erect buildings, a plan of the proposed **landscaping** showing:
  - Planting concepts.
  - Paving materials and drainage treatments and lighting for vehicle areas and footpaths.
  - Plantings proposed for screening from adjacent sites or public places.
- Any additional reports, plans or other information required by the relevant zone or code.

This list is not comprehensive for all possible situations. If you require further information about what may be required as part of your application documentation, please contact Council's Planning Officers on (03) 6217 9550 who will be pleased to assist.



# **RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



#### SEARCH OF TORRENS TITLE

VOLUME	FOLIO		
141046	41		
EDITION 4	DATE OF ISSUE 30-Mar-2016		

SEARCH DATE : 18-Dec-2023 SEARCH TIME : 05.26 PM

#### DESCRIPTION OF LAND

City of CLARENCE

Lot 41 on Sealed Plan 141046

Derivation: Part of 3900 Acres Gtd to G H B Gellibrand

Prior CT 140144/1

#### SCHEDULE 1

M564432 TRANSFER to STUART DOUGLAS NETTLEFOLD and JOCELYN ELLEN NETTLEFOLD Registered 30-Mar-2016 at noon

#### SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP141046 COVENANTS in Schedule of Easements

SP141046 FENCING PROVISION in Schedule of Easements

SP141046 WATER SUPPLY RESTRICTION

SP141046 SEWERAGE AND/OR DRAINAGE RESTRICTION

SP127600 COVENANTS in Schedule of Easements

SP127600 FENCING PROVISION in Schedule of Easements

SP127600 WATER SUPPLY RESTRICTION

SP127600 SEWERAGE AND/OR DRAINAGE RESTRICTION

C809362 AGREEMENT pursuant to Section 71 of the Land Use

Planning and Approvals Act 1993 Registered

16-Aug-2007 at noon

#### UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

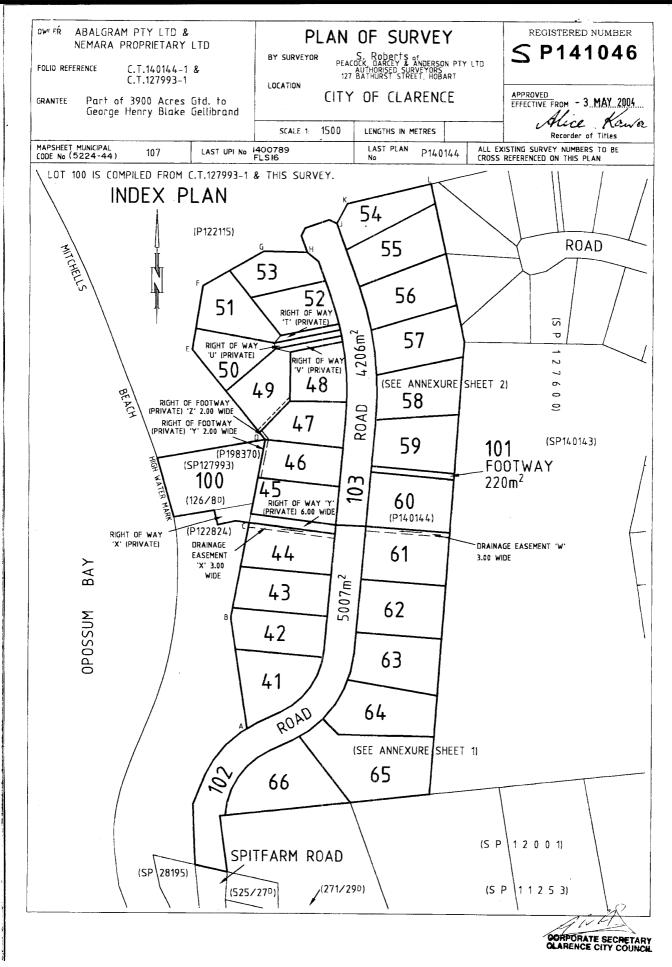


# **FOLIO PLAN**

RECORDER OF TITLES



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Search Date: 18 Dec 2023

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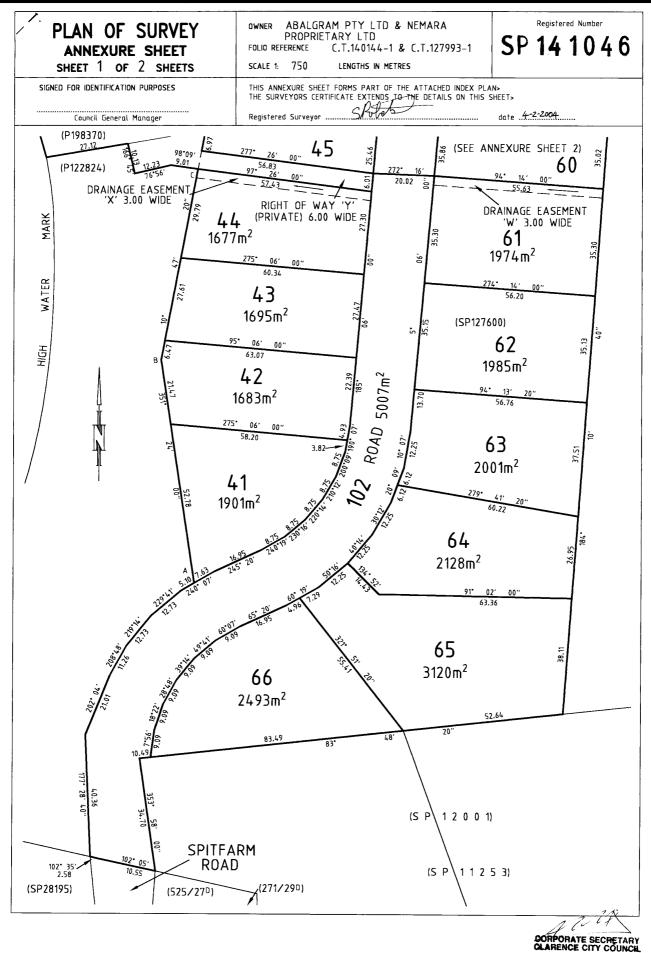


# **FOLIO PLAN**

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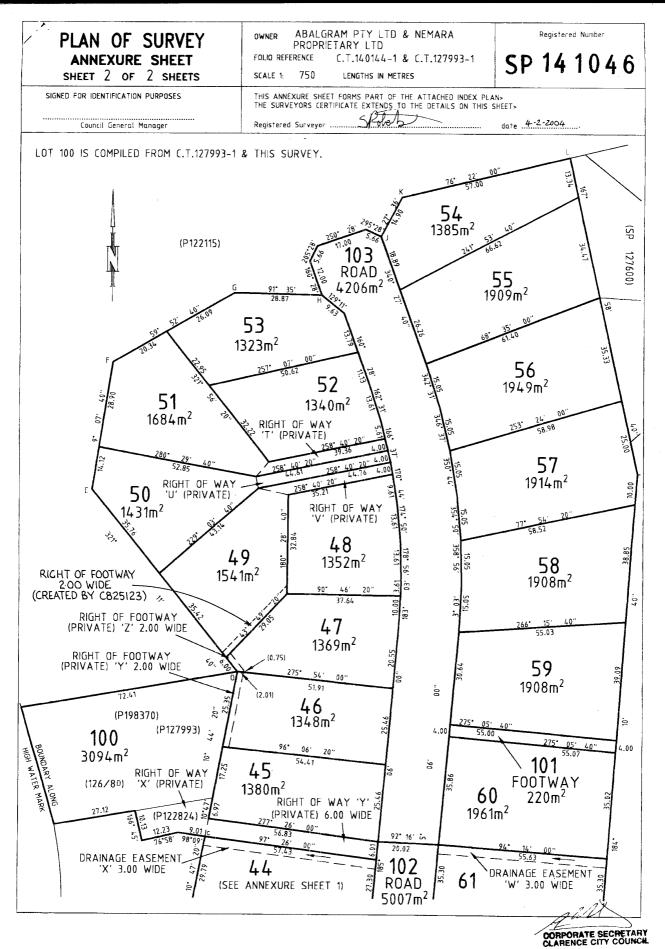


# **FOLIO PLAN**

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SCHEDULE OF EASEMENTS

NOTE:

THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.

Registered Number

SP 14 10 4 6

PAGE 1 OF \$ PAGE/S

#### **EASEMENTS AND PROFITS**

Each lot on the plan is together with:-

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

Each lot on the plan is subject to:-

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

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

Lot 44 on the plan is:- Subject to a right of drainage for the Clarence City Council over the drainage easement 3.00 wide marked "X" on the plan within such lot.

Let 45 on the plan is: Together with a right of feetway over the Righte of Feetway (Private) 2.00 wide marked "\" and "Z" on the plan.

Lot 46 on the plan is:- Together with a right of footway over the Right of Footway (Private) 2.00 wide marked "Z" on the plan.

Subject to a right of footway (appurtenant to lot 45 on the plan) over the Right of Footway (Private) marked "Y" on the plan within such lot.

Lot 47 on the plan is:- Subject to a right of footway (appurtenant to lots 45 and 46 on the plan) over the Right of Footway (Private) marked "Z" on the plan within such lot.

Lot 49 on the plan is:- Together with a right of way 'T' (Private) over lot 50 and a right of way 'T' (Private) over lot 51 as shown on the plan.

Subject to a right of way X' (Private) in favour of lots 50 and 51 on the plan.

Lot 50 on the plan is:- Together with a right of way 'T' (Private) over lot 51 and a right of way 'X' (Private) over lot 49 as shown on the plan.

Subject to a right of way 'U' (Private) in favour of lots 49 and 51 on the plan.

Lot 51 on the plan is:- Together with a right of way 'U' (Private) over lot 50 and a right of way 'V' (Private) over lot 49 as shown on the plan.

Subjet to a right of way 'T' (Private) in favour of lote 49 and 50 on the plan.

Lot 61 on the plan is:- Subject to a right of drainage for the Clarence City Council over the drainage easement 3.00 wide marked "W" on the plan within such lot.

That part of lot 100 on the plan which fermorly comprised lot 1 on Plan No. 127993 is:

Together with a right of carriageway over the Rights of Way (Private) marked "X" and "Y" on the plan.

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: ABALGRAM PTY LTD AND NEMARA

FOLIO REF: 140144/1 & 127993/1

SOLICITOR

& REFERENCE: PAGE SEAGER (ARO: 03-1923)

PLAN SEALED BY: CLARENCE CITY COUNCIL

DATE: 18 March 200

REF NO.

Council Delegate

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

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# ANNEXURE TO SCHEDULE OF EASEMENTS

PAGE 2 OF 8 PAGES

Registered Number

SP 14 10 4 6

SUBDIVIDER: ABALGRAM PTY LTD FOLIO REFERENCE: 140144/1 & 127993/1

That part of let 100 on the plan which formerly comprised part of let 1 on Plan No. 140144 is: Subject to a right of carriageway (appurtenant to let 1 on Plan No. 127993) over the Rights of Way (Private) marked "X" and "Y" on the plan within such let.

#### EASEMENTS CONTENUED ON PAGE 4.

#### COVENANTS:-

The owner of each lot shown on the plan (except that part of lot 100 which formerly formed lot 1 on Plan No. 127993) covenants with the Vendor (ABALGRAM PTY LTD) and with the owner for the time being of every other lot shown on the plan to the intent that the burden of this covenant may run with and bind the covenantor's lot and every part thereof and that the benefit thereof shall be annexed to and devolve with each and every part of every other lot shown on the plan to observe the following stipulations:-

- Not to construct, erect or place on such lot any building greater in height than one storey.
- Not to construct, erect or place on such lot any dwelling or residence (excluding outbuildings) of a less size than 170 square metres.
- Not to construct, erect or place on such lot any dwelling or residence with a pitched roof but only a flat roof design which may be of various angles or slopes.
- 4. Not to construct the roof of any dwelling or residence on such lot of any material other than Colorbond or other non reflective material
- Not to construct, erect or place on such lot any dwelling or residence having exposed brick walls or being roofed with roofing tiles.
- 6. Not to have the exposed outside walls of any dwelling or residence on such lot to be other than Rendered, Granesite, Bagged Brick, Timber, Sandstone or current modern architectural materials including Colorbond.
- Not to construct, erect or place on such lot any dwelling or residence with a height greater than 4.5 metres above natural highest ground level of such lot.
   or rendered brick 1 25
- Not to construct any fence on such lot apart from a picket timber/fence not exceeding energy metre in height.
- Not to use in landscaping such lot any tree, bush or shrub apart from Australian native trees, bushes or shrubs.
- 10. Not (as relates to lots 41 to 44, 47, 49 to 51, 53 and 54 on the plan) to build, erect or place any paling fence on or near the boundary of such lot within the points on the respective boundary marked "ABC", "DEFGH" and "JKL" respectively on the plan.



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

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#### **ANNEXURE TO** SCHEDULE OF EASEMENTS

PAGE 3 OF 3 PAGES

Registered Number

SP 14 10 4 6

SUBDIVIDER: ABALGRAM PTY LTD FOLIO REFERENCE: 140144/1 & 127993/1

The lots on the plan (except that part of lot 100 which formerly formed lot 1 on Plan No. 127993) are affected by covenants more fully set forth in Sealed Plan No. 127600.

#### FENCING PROVISION:-

In respect of the lots shown on the plan (except that part of lot 100 which formerly comprised lot 1 on Plan No. 127993) the Vendor (ABALGRAM PTY LTD) shall not be required to fence.

THE COMMON SEAL of ABALGRAM PTY LTD (ACN

002 573 060) being the registered proprietor of the land in the Folio of the Register Volume 140144 Folio 1 as hereunto affixed in the presence of:

Director

Director/Secretary

AM P A.C.N. 002 573 060 Common Seal

EXECUTED by

THE COMMON SEAL OF NEMARA PROPRIETARY LTD (ACN 067 603 285) being the registered proprietor of the land in the Folio of the Register Volume 127993 Folio 1 as-

the presence of Pursuant to

Section 127(1) of the Corporations Act.

Sole Director

(William Alston)

College Reder C

NATIONAL AUSTRALIA BANK as mortgagee hereby consents to the within dealing.

Executed by the NATIONAL AUSTRALIA BANK LIMITED 13 Attorney YUE'S SCHUOBACH
WHO THE THORNEY NO. 71 5933 (who
was found the torids the office in the NATIONAL
sicies that he holds the office in the NATIONAL

AVARIOUPS PANK LIMITED indicated under his a confront who declares that he has received no Notice throwcation of the said Power) in the presence

VES SCHLABACH RELATIONSHIP MANAGER

Ryan Maddox

Business Banking Officer Level 10
86 Collins Street HOBHAT.

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

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RECORDER OF TITLES

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# ANNEXURE TO SCHEDULE OF EASEMENTS

Registered Number

SP 141046

**PAGE 4 OF 4 PAGES** 

SUBDIVIDER: -

ABALGRAM PTY LTD and NEMARA PTY LTD

FOLIO REFERENCE: -

140144/1 and 127993/1

#### **EASEMENTS** (continued)

Lot 45 on the plan is together with a right of footway over the Rights of Footway (Private) 2.00 wide marked 'Y' and 'Z' shown passing through Lots 46 and 47 on the plan respectively.

Lot 46 on the plan is together with a right of footway over the Right of Footway (Private) 2.00 wide marked 'Z' shown passing through Lot 47 on the plan.

Lot 46 on the plan is subject to a right of footway (appurtenant to Lot 45 on the plan) over the Right of Footway (Private) 2.00 wide marked 'Y' within such lot.

Lot 47 on the plan is subject to a right of footway (appurtenant to Lots 45 and 46 on the plan) over the Right of Footway (Private) 2.00 wide marked 'Z' shown within such lot.

Lot 49 on the plan is together with a right of carriageway over the Rights of Way (Private) marked 'U' and 'T' shown within Lots 50 and 51 on the plan respectively.

Lot 49 on the plan is subject to a right of carriageway (appurtenant to Lots 50 and 51 on the plan) over the Right of Way (Private) marked 'V' shown within such lot.

Lot 50 on the plan is together with a right of carriageway over the Rights of Way (Private) marked 'V' and 'T' shown within Lots 49 and 51 on the plan respectively.

Lot 50 on the plan is subject to a right of carriageway (appurtenant to Lots 49 and 51 on the plan) over the Right of Way (Private) marked 'U' shown within such lot.

Lot 51 on the plan is together with a right of carriageway over the Rights of Way (Private) marked 'V' and 'U' shown within Lots 49 and 50 on the plan respectively.

Lot 51 on the plan is subject to a right of carriageway (appurtenant to Lots 49 and 50 on the plan) over the Right of Way (Private) marked 'T' shown within such lot.

Lot 100 on the plan is subject to a right of carriageway (appurtenant to Lot 1 on Plan 198370) over the Rights of Way (Private) marked 'X' and 'Y' shown within such lot.

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

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INDEX OF DRAWINGS - BY DARRYN WHITE - CC1623W

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# SITE INFORMATION

CERTIFICATE OF TITLE: VOLUME - 141046 FOLIO - 41

LAND AREA: 1901m<sup>2</sup>

 $-258.27m^2$ ex. DWELLING  $-34.13m^2$ PROPOSED ADDITION

OVERALL DEVELOPMENT FOOTPRINT  $-292.4m^2$ 

PLANNING SCHEME: TASMANIAN PLANNING SCHEME (CLARENCE)

ZONE: LOW DENSITY RESIDENTIAL

OVERLAY: BUSHFIRE PRONE AREAS, FLOOD PRONE HAZARD

BAL RATING: FLAME ZONE





**A3** 

Stuart Nettlefold

110 Spitfarm Road, Opossum Bay

Addition & Ancillary Dwelling

# SITE INFORMATION

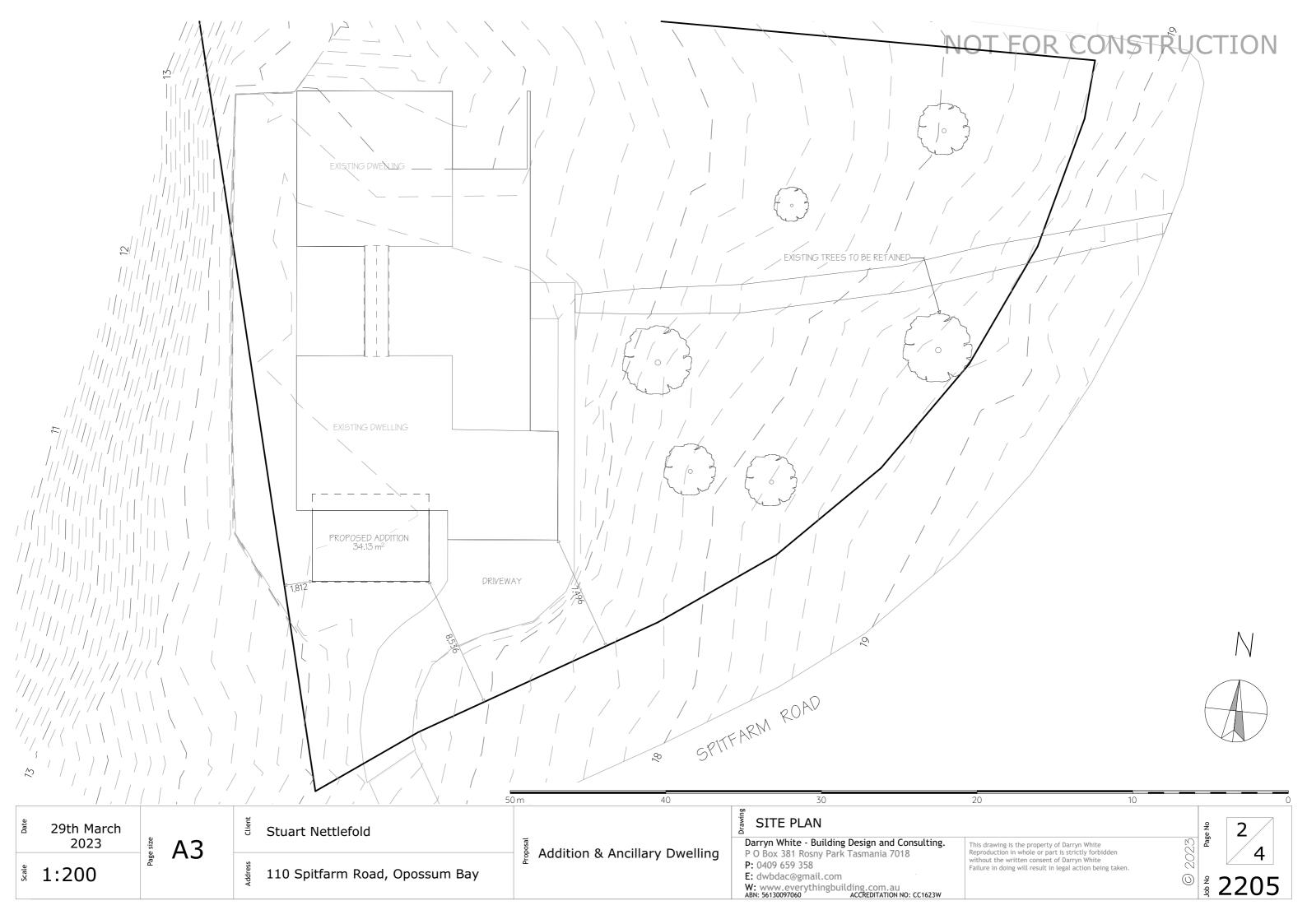
Darryn White - Building Design and Consulting. P O Box 381 Rosny Park Tasmania 7018

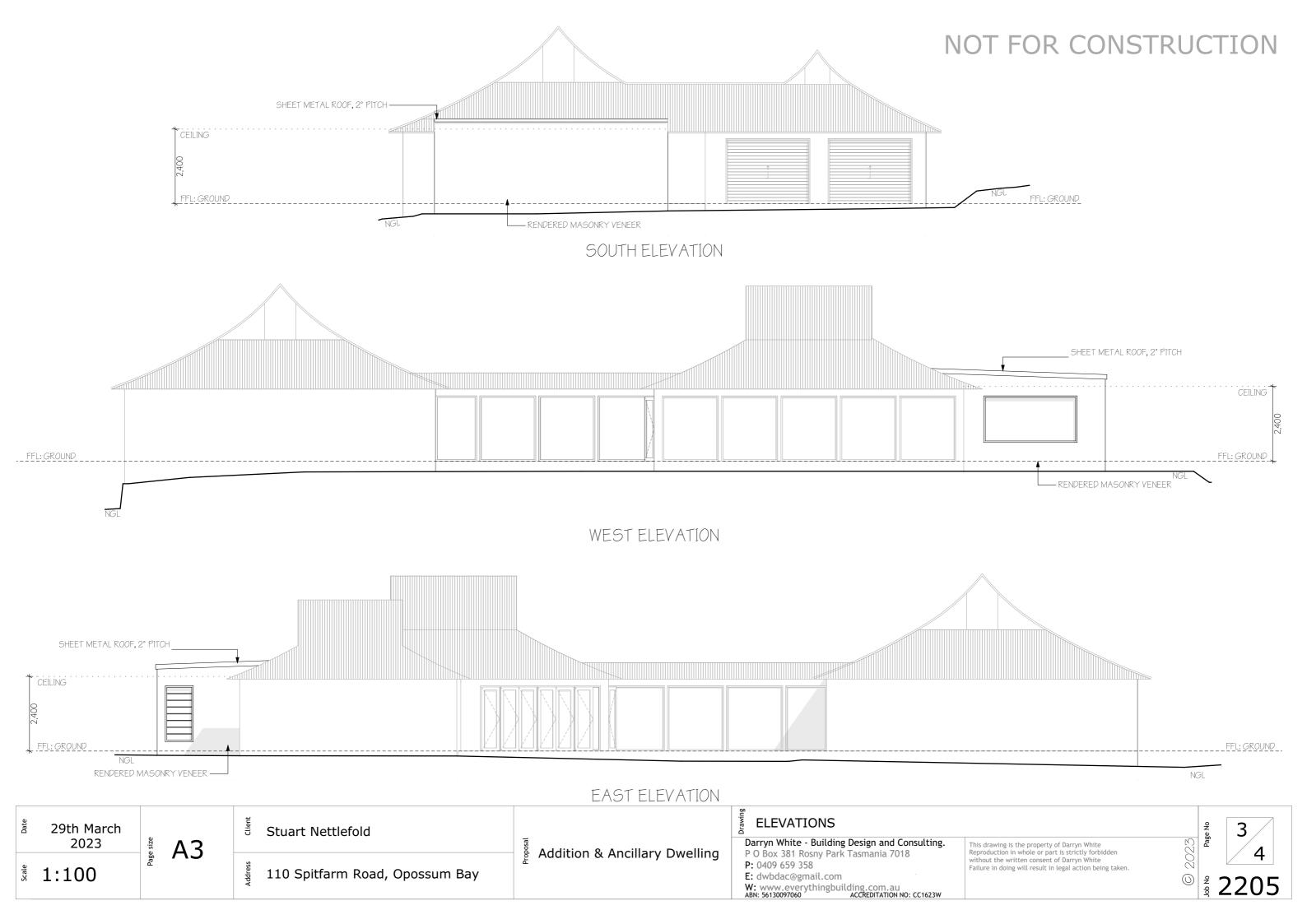
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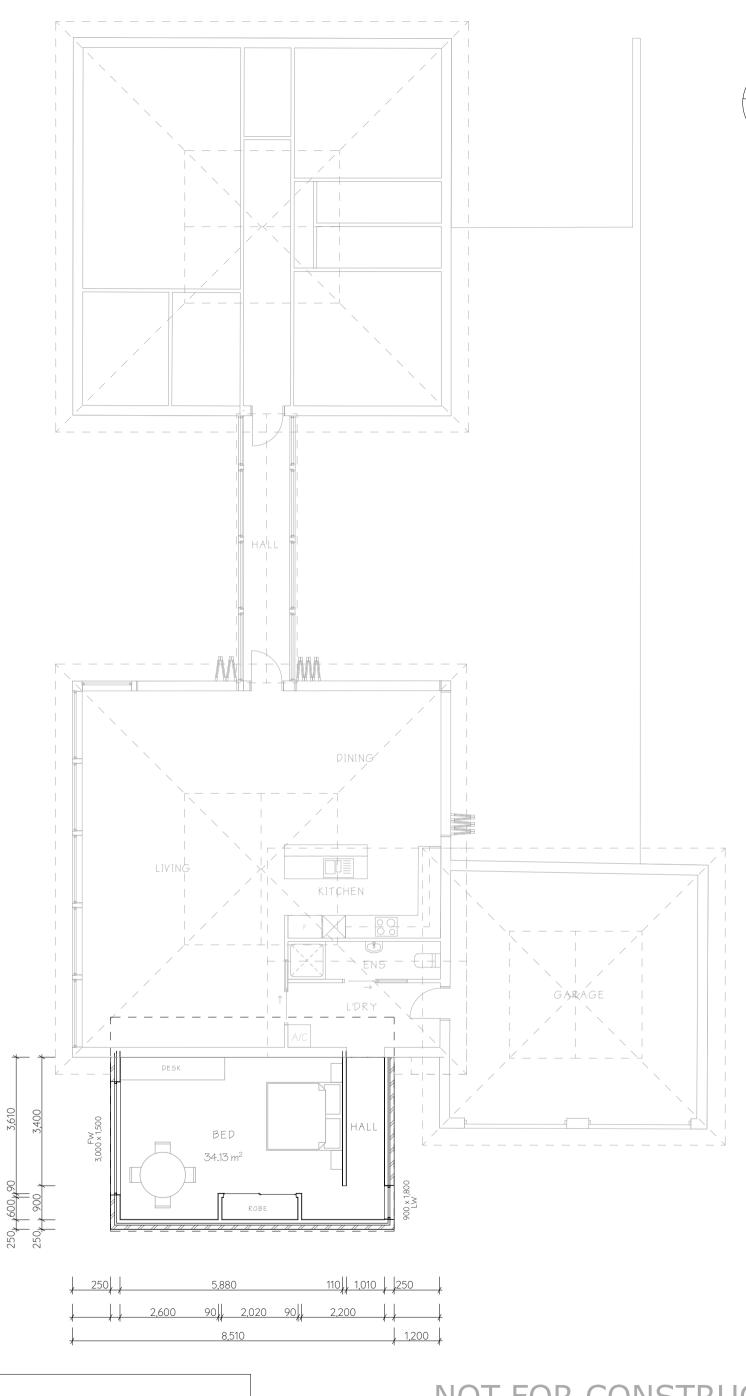
E: dwbdac@gmail.com W: www.everythingbuilding.com.au
ABN: 56130097060 ACCREDITATION NO: CC1623W This drawing is the property of Darryn White Reproduction in whole or part is strictly forbidden without the written consent of Darryn White Failure in doing will result in legal action being taken.

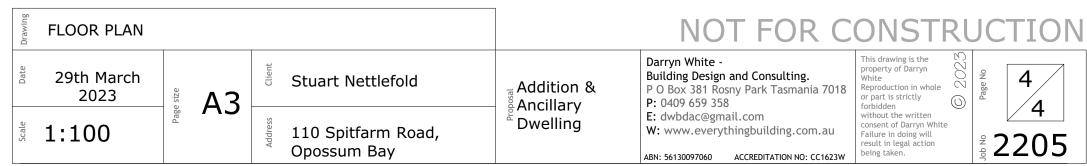












# Performance Based Bushfire Hazard Report

# 110 Spitfarm Road Opossum Bay

# **Tasmanian Planning Scheme**

Property ID 2293652 Title Reference 141046/41 Alterations & additions

**S Nettlefold** 

May 2023

Roger Fenwick Bush Fire Consultant PO Box 86B Kettering Tasmania 7155 roger@bushfire-consultant.com.au 0411 609 906 Accreditation No. BFP – 162 2207DYN.OPO.SPI2.0

#### Executive summary

I am an Accredited person permitted to assess bushfire hazards and to define Hazard Management Areas and to prepare appropriate plans for their ongoing management. A summary of my *curriculum vitae* is Annexure A.

This report concerns proposed alterations and additions to a single family dwelling in a bushfire-prone area within a Tasmanian Planning Scheme area, assessed under the provisions of the *Director's Determination Bushfire Hazard Areas* v 1.1 (DDBHA).

Unmanaged vegetation within 2m of the existing building creates a Flame Zone setting and so a Performance Solution is required. A Performance Based Design Brief was circulated to and approved by stakeholders.

Roger Fenwick BFP 162 Scope 1, 2, 3A



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Water	ε
Environmental & other constraints	ε
Performance Analysis	ε
Objective	ε
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#### Purpose

I have been engaged to undertake a Bushfire Hazard Report for alterations and additions to a dwelling located at 110 Spitfarm Road, Opossum Bay known as Property ID 2293652, Title Reference 141046/41.

This report provides an assessment of the bushfire risk as required by the provisions of the *Director's Determination Bushfire Hazard Areas* v 1.1 (DDBHA).

## Methodology

The assessment protocol relies on definitions and specifications in the Australian Standard Construction of buildings in bushfire-prone area 2018 (AS 3959), Nash Standard – Steel Framed Construction in Bushfire Areas (Nash), vegetation classification by Specht 1970, and in particular, State variations defined in the DDBHA. Those variations specify additional requirements for access, water supply, a Hazard Management Area (HMA) plan, and for other than single (BCA Class 1a) dwellings, an Emergency Plan.

For defined vegetation classes, litter and other flammable vegetation component standard values have been determined. These, slope values and standard weather conditions are used to calculate bushfire behaviour, including rate of forward spread, radiant heat output and flame height. When considered in conjunction with the distance between the edge of the fire and the point of measurement (eg the wall of a house), they show the intensity of the fire exposure.

Those combined values are expressed as a Bushfire Attack Level (BAL) plus a number which expresses the radiant heat output in kilowatts per square metre (kWm<sup>-2</sup>). The BAL rating determines the required construction standard. As the setback distance increases, the BAL rating decreases.

A vegetated downslope within 2m of the existing building site creates a Flame Zone setting in the Deemed to Satisfy (DtS) table in AS 3959. This requires a Performance Solution assessment as outlined in the Standard. That in turn required a Performance-Based Design Brief, defining how compliance with specified fire safety outcomes will be achieved.

# Proposal

Plans showing the site and proposed development are Annexure E.

The proposal is to add an additional room to the existing 3-room dwelling.

# General site description

This 1900m<sup>2</sup> site is located on a low coastal dune on the east bank of the River Derwent.

The existing house is constructed of pre-cast concrete walls and double-glazed windows plus a sheet metal roof. Some opening windows have only fibre-glass mesh, and some are unprotected.

Land in the general area is gently sloping and mostly grassland with fragmented pockets of remnant native vegetation.

#### Vegetation

The undeveloped part of the site is presently a dense shrubby garden with an overly dense eucalypt overstorey.

Between the site and the beach is scrubby coastal growth, the precise classification of which is irrelevant given its close proximity to the main dwelling. The maximum potential length of a run of fire is 46m, with formally unmanaged vegetation within 2m of the closest wall of the house.

#### Topography

The building site slopes slightly down to the west. Beyond the proposed building area the land slopes down a short steep bank to a level swampy inter-dune area and then down to the beach. The effective slope is down, 3°.



View north along beach side of house, above short steep bank

#### Fire history

The LIST records no bushfires over the site.

#### **Bushfire Context**

A bushfire prone area is defined as land so mapped, or land within 100m of bushfire prone vegetation equal to or exceeding 1 hectare in area. Bushfire prone vegetation includes areas of grasses and shrubs other than defined exceptions such as maintained lawns, gardens, some horticultural land and the like.

The slope used in bushfire assessments is the gradient beneath unmanaged adjoining vegetation able to support fire movement towards structures. It varies from Upslope and Level (both defined as 0°) to groups of Downslope in 5° increments. Downslope means that fire is travelling uphill when moving towards the structure.

Setbacks are defined as the plan view (horizontal) distance between the edge of unmanaged vegetation and the nearest part of a structure subject to the assessment. This means to the nearest wall, or if there is no wall, to the nearest supporting post or column of a carport, deck, veranda, landing, stairs or ramps. Eaves and overhangs, tanks, chimneys, unroofed pergolas and sun blinds are excluded.

Managed vegetation can be present on the subject site, but on adjoining land only with formal consent by the relevant owner(s). Seeking formal consent to continue to manage a narrow strip of adjacent land in this setting will not be productive. A continued blind eye, as is standard practice in this and similar settings, is the pragmatic and realistic approach, but the inability to continue a long established and time-honoured treatment would not critically alter the safety of the proposed development.

For planning purposes, it is assumed that the McArthur Forest Fire Danger Index (FDI) is 50. This defined FDI may not cover the worst case exposure at a site, and even strict adherence to the mandatory and other recommended specifications will not guarantee that structures will not be ignited by bushfire.



View from beach area to house, across flat swampy area to short steep bank

#### Site slopes

The area in the general vicinity of the proposed house slopes downwards at 3° to the west and level or upslope to the north, south and east.

#### Site vegetation

The unbuilt (front) portion of the site has a moderate cover of eucalypts with a dense shrub underplanting. Adjoining residential lots are developed or maintained as Grassland.

#### Access

Direct property access is from Spitfarm Road, a locally 6m wide sealed public road. The house access will be less than 30m long in a non-reticulated area, and therefore access must comply with the provisions of DDBHA Table 2B.

#### Water

As no reticulated water supply to a hydrant exists, DDBHA Table 3B applies. At present there is no dedicated firefighting water reserve.

#### Environmental & other constraints

A Flood Prone overlay covers part of the site. The proposed new works are no more exposed than the rest of the house.

#### Performance Analysis

#### Objective

The requirement is to ensure that adequate setback distances from fire in nearby unmanaged vegetation are provided.

Table 2.6 in AS 3959 provides specifications for recognised vegetation types and slope classes, showing the combinations of setback distance and construction level generally regarded as providing acceptable levels of fire resistance. The Standard also specifies additional design and material features intended to protect against other elements of bushfire behaviour, most of which increase with the BAL rating.

Many houses, including this one, were built prior to the introduction of protective bushfire setbacks, and are located in what is now considered to be unacceptably close proximity to unmanaged vegetation. Retrospective measures to remedy non-compliance with current specifications are not usually required to be applied, apart from water supply and access issues. However, it is a requirement that new works do not increase the threat as a result of approaching bushfire.

The approved PBDB protocol required that the relevant stakeholders agreed on the required outcome and the means by which proposed solutions will be assessed, which was done.

#### Relevant stakeholders

The relevant stakeholders in this case include the property owner, the building designer/planner, the Building Surveyor, the Tasmania Fire Service and the bushfire practitioner.

In practice in Tasmania the Building Surveyor's role is primarily to ensure that the approved structure is built as specified but their expertise may be sought for problem-solving. However, the Building Surveyor has some responsibility for ensuring that the PBDB process and outcome both comply with statutory requirements.

The building designer has no active role to play in carrying out a performance-based analysis, but is content to be given the design parameters (design to BAL-xx specifications in the Standard) resulting from the process. The designer will usually assist in determining solutions to design problems. The property owner has no particular input in this case, being content to be guided on how to build to the appropriate standard.

If an acceptable objective outcome (a sufficiently low BAL rating/construction standard combination) cannot be achieved, there is a need for subjective inputs.

#### Agreed input data

Nearby vegetation types are assessed by the application of the standard tables and methodology specified in AS 3959. For the existing house, the setback of 2m from the property boundary creates a Flame Zone setting regardless of the classification of the nearby vegetation. The actually managed additional 3-4m wide mown strip beside the property is an unapproved additional protection measure, and cannot be formally relied upon.

#### DtS departures and relevant Performance Requirements

The applicable requirements are provided in the *Director's Determination Bushfire Hazard Areas v 1.1* (DDBHA).

DtS provision	DtS compliance	Relevant performance requirement	
2.3.1 Design & Construction	Not possible in BAL-FZ	Demonstrate acceptable safety from bushfire.	
2.3.2 Property Access	Design will comply with DtS	-	
2.3.3 Water Supply	Design will comply with DtS	-	
2.3.4 Hazard Management Area	HMAs will not comply with DtS.	<ul> <li>Construction to provide an acceptable level of protection.</li> </ul>	
2.3.5 Emergency Plan	Not Applicable	-	

#### Assessment Methods

In accordance with A2.2(1)(b) the Performance Solution demonstrate equivalence to the Deemed-to-Satisfy Provisions.

The NCC Assessment Methods under A2.2(2) are:

- (c) Expert Judgement
- (d) Comparison with DtS prescribed construction standards will be compared to a DtS Solution.

#### Acceptance Criteria

The proposed Acceptance Criterion is

Demonstration that construction meets an acceptable standard

It is usual practice to specify objective, quantifiable benchmarks (eg radiant heat flux not exceeding xx kWm<sup>-2</sup> and construction to BALxx) to define acceptability. In this case, while the resultant nominal heat flux will exceed 40 kWm<sup>-2</sup>, the proposed approach is to consider the overall setting and conditions. These include the facts that

- the actual risk of fire approaching from the beach under Extreme fire weather conditions is extremely low,
- an approaching fire could not develop the full 100m flame front width used in DtS assessment tables.
- the existing house has been built to a high standard of bushfire resistance,
- proposed new construction will be to at least the same standard as the existing house,
- the proposed addition will be no closer to the hazard than the existing structure,

- The probability that the informal vegetation management along the top of the bank beside the property boundary will be permitted to be continued,
- Undertaking new works requires that a static water supply be provided, where none exists at present.

The methodology relies primarily on expert judgement, which I contend I have the expertise to propose. I sought support via the technical evaluation of my proposal by TFS, and the regulatory compliance oversight by TFS and the Building Surveyor, for the proposed works.

#### Documentation and evidence to be provided

The following documentation will be provided to the building surveyor:

- Bushfire hazard management plan;
- Bushfire hazard report that includes:
  - o DtS assessment:
  - Expert judgement assessment.
- Detailed design documentation demonstrating compliance with the design BAL (to be provided by designer).

#### **Assessment**

Regardless of the classification of the strip of vegetation, whether Woodland or Scrub, the property is a Flame Zone exposure. The closest wall of the proposed extension will be slightly further from coastal vegetation than the existing structure. Exposure to the grassland to the south and east generates a BAL-12.5 exposure and is not a limiting consideration.

#### Hazard Management Area

The HMA to the specifications in DDBHA Table 4 is shown on the plan at Annexure B.

Within the area outlined, covering the entire lot, only managed lawn, occasional garden shrubs and scattered trees to the management regime shown at Annexure C are permitted.

#### Property exposure

Direct fire approach will be from the beach through scrubby vegetation with a low understorey and litter component, mostly on level ground with a short steep grassy bank immediately beside the property boundary. Actual close exposure to fire would be a very brief flash of grassy litter, and the flaring of scattered bushes lasting less than a minute. Less direct approach would be to fire from the NW or SW on a diagonal slope, with accompanying slightly wider separation and a staggered arrival of the flame front. In both cases the overall radiant heat load would not be the issue; only flame contact would be a significant consideration.

#### Construction specification

There is no point in constructing a minor new addition to a substantially higher standard than the existing structure. I recommend that the new works reflect the construction of the existing dwelling – essentially almost BAL-40 specifications – with a double-glazed 6mm toughened glass window facing the beach, and external steel-meshed glazing on the opposite wall facing the garage area. It is my view that in this setting, requiring shutters to be retro-fitted to windows facing the vegetation would be an over-reaction to a minimal actual threat, and completely unnecessary to glazing on the other façades.

Wall construction is pre-cast concrete, on a concrete slab floor. However, the construction of the existing house does not meet current Flame Zone specifications, in that the windows

are neither shuttered nor FZ rated. However, the new double-glazed 6mm toughened glass windows will not be exposed to anything like the design heat intensity and duration. Having BAL-40 glazing (minus the external mesh screen) with a BAL-40 backup pane will, in my opinion, provide an ample degree of protection against the worst potential approaching fire in this setting.

In addition to upgrading ember protection by the addition of steel mesh screens to all new and existing opening windows, the front of the property will be converted to a vegetation setting that will allow the safe evacuation of occupants out of the front door, away from fire approaching from the defined high-threat direction.

I recommend that non-combustible leaf guard be fitted to every roof gutter capable of collecting leaves.

#### Property access

In order to meet the requirements of DDBHA Table 2 B, access to the house must be via an all-weather carriageway with a load capacity of at least 20 tonnes. The distance from the roadside hardstanding beside the water outlet to be provided, to the furthest part of the complex, will be less than 90m. The proposal complies.

#### Water supply

20kl of water reserved for fire fighting will be provided in an above-ground metal tank fitted with a ball or gate valve and a 65mm Storz coupling plus captive cap, on a remote outlet, within 3m of a hardstanding area beside the road, and readily accessible to a tanker. Standard signage (Annexure C) will be fitted in a location clearly visible to approaching vehicles. Water supply will exceed the requirements of DDBHA Table 3 B, being 10kl per dwelling.

#### Conclusion

The proposed construction of the additional bedroom will reflect that of the remainder of the structure. The walls comply with BAL-FZ specifications, and the double-glazed windows should provide an adequate level of protection against the brief-duration flame contact that may potentially impact the building. The structure will not be exposed to the full radiant heat load of a normal, fully established, 100m wide bush fire. The resistance to complete component failure resulting in ignition of the structure should well outlast the brief duration of the exposure to an active flame front.

Firefighters responding to fire directly threatening the structure would approach from either end of the property, and attack (at worst) the front flanks of the fire. No-one need have direct exposure to the head of the fire, nor to possibly be trapped between the fire and the structure.

The proposal does not meet and cannot sensibly be compared with a DtS solution, which in any case cannot be applied in an FZ setting. My contention is that based on Expert Judgement, the intent of the Performance Requirements – reduced likelihood of ignition to tolerable risk, and a low threat to life – will be met by adherence to the recommended construction standards.

## Summary of requirements

#### Initial checklist

- 1. Install and fill the fire-fighting water tank, outlet and signage as prescribed in Annexure C, and ensure that all above-ground connection(s) are non-combustible
- 2. Complete construction of the new extension to near BAL-40 specifications, using double-glazing and 6mm toughened glass for the fixed window and steel mesh over louvres for the opening window.
- 3. Fit steel mesh screens to the outside of all opening windows in the building.
- 4. Fit non-combustible gutter guard to all roof gutters.
- 5. Create the Hazard Management Area as prescribed in Annexure C, to the dimensions shown in Annexure B. In particular, keep lawn mown to less than 25mm, and to the extent possible, keep it green by regular watering.

#### Annual checklist

- 1. Maintain the Hazard Management Area as prescribed in Annexure C, to the dimensions shown in Annexure B. In particular, keep lawn mown to less than 25mm, and to the extent possible, keep it green by regular watering.
- 2. Check that the fire fighting water tank is full and all fittings are in proper working order prior to each fire season.

#### Annexure A Curriculum vitae

#### Qualifications

Graduate Certificate in Bushfire Protection, UWS, 2013

Bachelor of Science (Forestry), ANU, 1969

#### Work Experience

Self-employed consultant - 1988 to present

#### **ACT Bush Fire Council**

Chief Fire Control Officer - 1986 to 1987

Secretary - 1985

Chief Fire Control Officer -1976 to 1978

Deputy Chief Fire Control Officer - 1972 to 1975

Assistant to Chief Fire Control Officer - 1970 to 1971

#### **CSIRO**

Experimental Officer, Project Aquarius 1982 to 1984

Chemonics Industries USA 1979 to 1981

Field Service Representative, chemical fire retardants

#### Project Experience

- Responsible for all aspects of staff administration, finance, bush fire safety planning, fire management, training, and fire control operations in the ACT.
- Attended approximately 2000 wildfires, experimental fires and controlled burns.
- Attended to an additional approximately 1000 wildfires.
- Personally prepared approximately 2800 compliance reports to accompany Development Applications for subdivisions, Special Purpose structures, houses, industrial buildings and Defence complexes.
- Prepared assessments for 31 schools in the Nation-Building Program for the Dept of Education, Employment & Workplace Relations.
- Gave evidence in the Land & Environment Court on contested DA matters.
- Prepared Vegetation Management Plans for large (primarily Defence) estates throughout Australia.
- Prepared training plans and the Bushfire Response Action Plan for Puckapunyal Base, Dept of Defence.
- Provided studies of bush fire behaviour to assist planning and risk management by plantation insurance companies, Councils and other land management agencies.
- As an Expert Witness, investigated, reported on and gave evidence in 35
  matters involving fire causation and fire management activities, mainly in
  connection with civil litigation.
- As Senior Research Officer, assisted in the experiment design and data analysis and responsible for all field operations for Project Aquarius, the major study of large aircraft assisted bush fire control by CSIRO Division of Forestry Research.
- As a field representative for Chemonics Industries in the USA, maintained and oversaw the operation of all of the US Forest Service air tanker bases in Washington & Oregon, and introduced the use of fire retardants by ground application for fire management in the western states.
- Lectured in bush fire behaviour and control principles at the ANU and the Canberra College of Advanced Education (now University of Canberra).
- Wrote the bush fire training module for the ACT Fire Brigade.
- Prepared the first urban-rural interface bush fire protection planning guidelines in the ACT for the National Capital Development Commission.

Annexure B Bushfire Hazard Management Plan

# **BUSHFIRE HAZARD MANAGEMENT PLAN**

Arm End Haven, 110 Sptifarm Road, Opossum Bay

Opossum Bay

Property ID 2293652 Title 141046/1

Report 2207DYN.OPO.SPI2.0 Roger Fenwick BFP 162 Scope 1, 2, 3A

01.

10 May 2023



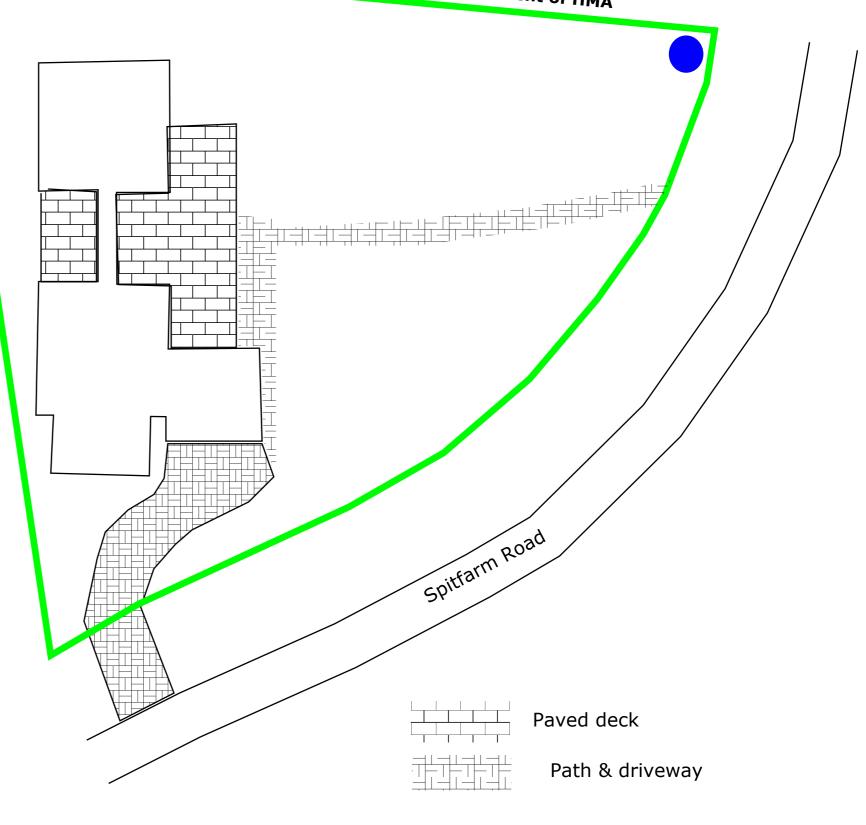
20kl water reserve in metal tank

# The Hazard Management Area covers the entire property.

Within the HMA maintain the lawn to 25mm, kept green if possible, or garden with only isolated trees and scattered shrubs at least 2m from walls & 5m from windows. Do not store combustible rubbish or firewood within the HMA.

All new construction and nominated upgrades must meet the specifications in the Report, which approximate BAL-40.

# Site Boundary and extent of HMA



## Annexure C Management specifications

#### Hazard Management Areas

The intent is to maintain the Hazard Management Area in a condition that will not allow the development or passage of fire able to ignite structures through radiant heat or flame contact. In addition, providing protection against ember attack is highly desirable. Much of the aim is to limit the intensity of the approaching fire to a level which can be absorbed without damage by the passive protection measures included in the house construction. The materials used have been chosen to (probably) not be ignited (eg walls) or be sufficiently heat-affected to break (eg windows) during the passage of the fire. It is assumed that nobody will necessarily be present during the passage of the fire, so that the structure will hopefully survive by itself. Heat from the head of the approaching fire will probably be at its peak for around 5 minutes, but embers, smoke and uncomfortably high heat will continue for around an hour or so. Attendance by suitably clothed, trained, fit and able-bodied people with appropriate equipment immediately after passage of the fire increases the likelihood of the structure surviving, particularly if small local patches have ignited.

Fire must be kept far enough away to limit the radiant heat which will threaten both structures and anyone (homeowners, fire-fighters) in the path of the fire. Basically, fire spreads rapidly in surface litter and low grassy growth, and develops tall flames in the shrub layer. That makes things difficult for fire-fighters trying to work the fire edge. With enough heat generated by vigorous fire in the shrubs and sapling (understorey) layers, the fire flame height will increase, and involve the crowns of the overstorey trees. Flames also run up the bark of many fibrous-barked eucalypt species, adding to the overall heat output but primarily creating showers of embers

Limiting fire behaviour is achieved by separating the various vegetation components both vertically and horizontally. Less surface litter will result in a slightly slower-moving fire, putting out less heat and therefore slower to ignite the shrub layer. Partial removal of the shrub layer significantly reduces the low-level flame height, making it easier for fire-fighters to work near the fire edge, and becoming less likely to ignite the sapling layer. Keeping the shrub and sapling layer fire intensity low means that fire is unlikely to move into the canopy of the overstorey. That is a crown fire, and is completely uncontrollable by any means.

Limiting ember production is best achieved by not having rough-barked species nearby, or by removing the loose outer bark layer before fire gets near. Protecting against ember attack relies largely on proper construction material selection and design that will not trap embers or the litter on which they may land and ignite. Properly screened openings are essential, but good plant selection and layout can create an ember shield, to deflect or trap embers approaching the house. Remember that embers will also accumulate in the sheltered side, in the eddy zone behind the house. Anywhere leaves accumulate, so will embers.

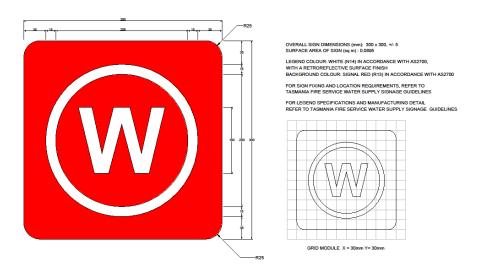
It is essential to keep even low creeping flames from contacting walls of the house. Maintain a path at least 30cm wide completely clear of all flammable material immediately between the garden/ lawn area – a concrete or gravel path, bare soil, whatever – and the house.

The HMA is to be kept in a substantially cleared condition, with a minimum of flammable material and plants.

Within the HMA, mown lawn and only occasional scattered low-flammability ornamental shrubs, garden plants and the like, plus the mature trees indicated for retention should be allowed.

- Immediately beside the house there must be a strip not less than 30cm wide which is kept bare of any combustible material.
- Grass must be kept mown to not more than 25mm in height, and should be kept watered and green within 5m of a wall.
- Shrubs should not be located within 2m of a wall, or within 5m of a window.
- Avoid using combustible mulch within 2m of a window and within 1m of a wall use pebbles instead in these settings.
- Trees are to be kept well-spaced, with one crown diameter between canopy crowns, and one shrub (or shrub cluster to 5m diameter) between shrubs or shrub clusters.
   (If trees have a 10m diameter canopy, there should be 10m between their canopies, ie 20m between trunks. Similarly, a 2m diameter cluster of shrubs should not be within 2m of other shrubs.
- Favour smooth-barked over rough-barked trees, and low-flammability species.
- Prune all tree branches to a height of 2m.
- Shrubs should not be located directly under trees.
- Don't have open woodpiles or locate rubbish heaps within the HMA.

**Water tank signage** meeting the requirements of AS 2304-2011 or as per the design below, is required. The sign must be within 1m of the location of the outlet, at least 400mm above ground level, located to be visible from an approaching vehicle, and not obstruct access to the outlet.



All above-ground components must be metal, or lagged with non-combustible material. Buried components must be not less than 300mm deep.

The (not less than 50mm bore) outlet and ball or gate valve must be

- on the water storage tank, or
- beside an approved remote takeoff point located in a protected position, 450-600mm above ground and supplied by a pipe not less than 50mm internal diameter,

so that all parts of the building are within 90m of the outlet.

Water takeoff points must be fitted with a Storz 65mm coupling and suction washer, plus a blank cap on a chain at least 220mm long. They must not be within a parking area, and must be accessible from a hardstanding area located within 3m of the take-off point and not closer than 6m to the building.

The hardstanding area must be at least 3m in width, and connected to the general access driveway, and be constructed so that when occupied by a tanker, the tanker will not obstruct the passage of other vehicles. A tanker must have direct access from the hardstanding to a turning area.

# CERTIFICATE OF QUALIFIED PERSON – ASSESSABLE ITEM

Section 321

–					
To:	S Nettlefold			Owner /Agent	
	18 Garth Ave				Address Form 55
	Sandy Bay Tas 7005		)5	Suburb/postcode	
Qualified perso	on details:				
Qualified person:	Roger Fenwick				
Address:	PO Box 86B		Phone No: 0411 609 906		
	Kettering		715	55	Fax No:
Licence No:	BFP-162	Email ad	ldress:	106	ger@bushfire- nsultant.com.au
Qualifications and Insurance details:	Direct		iption from Column 3 of the or's Determination - Certificates alified Persons for Assessable		
Speciality area of expertise:	Direct		ription from Column 4 of the or's Determination - Certificates alified Persons for Assessable		
Details of work	:				
Address:	110 Spitfarm Road			Lot No: 41	
	Opossum Bay Tas		702	23	Certificate of title No: 141046
The assessable item related to this certificate:	Assessment of bushfire attack level for alterations and additions to an existing class 1a.structure.  Note that alterations and additions involving a Performance Solution must be approved by TFS via a Form 47.		(description of the assessable item being certified) Assessable item includes – - a material; - a design - a form of construction - a document - testing of a component, building system or plumbing system - an inspection, or assessment,		
Certificate deta	sile:				performed
	IIIS.				
Certificate type:	Bushfire hazard assessment		1 Ce	escription from Column 1 of Schedule of the Director's Determination - ertificates by Qualified Persons for ssessable Items n)	

This certificate is in relation to the above assessable items, at any stage, as part of – (tick one)

Duilding work, plumbing work or plumbing installation or demolition work

OR

a building, temporary structure or plumbing installation

In issuing this certificate the following matters are relevant -

Documents: Bushfire Hazard Assessment Report dated May 2023 including Bushfire

Hazard Management Plan dated May 2023

AS 3959-2018 Construction of buildings in bushfire-prone areas

Plans by Darryn White

Relevant calculations:

Shown in above documents

References:

N/A

Substance of Certificate: (what it is that is being certified)

A bushfire assessment and management plan for proposed alterations and additions, approximating the BAL-40 construction standard of AS 3959-2018.

Approval of a Performance Solution for alterations and additions to an existing dwelling requires a Form 47 from the TFS.

#### Scope and/or Limitations

A Bushfire Hazard Assessment was commissioned by S Nettlefold to identify the potential bushfire risk and BAL rating, and to recommend appropriate compliance and protection measures.

Limitations: The proposed measures comply with the guidelines. Full compliance with the requirements in this report and/or AS 3959-2018 does not guarantee survival of structures or persons.

I certify the matters described in this certificate.

Signed: Certificate No: Date:

2207DYN.OPO.SPI2.0 10 May 2023

Qualified person:

# Annexure E Site plans

INDEX OF DRAWINGS - BY DARRYN WHITE - CC1623W

PAGE 1 SITE INFORMATION PAGE 2 SITE PLAN PAGE 3 ELEVATIONS PAGE 4 FLOOR PLAN

# SITE INFORMATION

CERTIFICATE OF TITLE: VOLUME - 141046 FOLIO - 41

LAND AREA: 1901m<sup>2</sup>

-258.27m<sup>2</sup> ex. DWELLING  $-34.13m^2$ PROPOSED ADDITION

OVERALL DEVELOPMENT FOOTPRINT  $-292.4m^2$ 

PLANNING SCHEME: TASMANIAN PLANNING SCHEME (CLARENCE)

ZONE: LOW DENSITY RESIDENTIAL

OVERLAY: BUSHFIRE PRONE AREAS, FLOOD PRONE HAZARD

BAL RATING: FLAME ZONE





**A3** 

Stuart Nettlefold

110 Spitfarm Road, Opossum Bay

Addition

# SITE INFORMATION

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: 56130097060 ACCREDITATION 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 in doing will result in legal action being taken.





