



SORELL PLANNING AUTHORITY (SPA) AGENDA

16 JANUARY 2024

COUNCIL CHAMBERS

COMMUNITY ADMINISTRATION CENTRE (CAC)

NOTICE OF MEETING

Notice is hereby given that the next meeting of the Sorell Planning Authority (SPA) will be held at the Community Administration Centre (CAC), 47 Cole Street, Sorell on Tuesday, 16 January 2024 commencing at 4:30 pm.

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

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

ROBERT HIGGINS
GENERAL MANAGER
11 JANUARY 2024



AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE HELD AT THE
COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON
TUESDAY 16 JANUARY 2024

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1.0 ATTENDANCE

^

Chairperson Mayor Vincent
Deputy Mayor C Wooley
Councillor S Campbell
Councillor B Nichols
Councillor M Miro Quesada Le Roux
Councillor M Reed
Councillor N Reynolds
Councillor C Torenus

2.0 APOLOGIES

Robert Higgins, General Manager
Councillor J Gatehouse

3.0 CONFIRMATION OF THE MINUTES OF 12 DECEMBER 2023

RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 12 December 2023 be confirmed.”

4.0 DECLARATIONS OF PECUNIARY INTEREST



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

5.0 LAND USE PLANNING

5.1 DEVELOPMENT APPLICATION NO. DA 2023 / 201 - 1

Applicant:	Design to Live
Proposal:	Two (2) Multiple Dwellings
Site Address:	14 Olympic Avenue, Midway Point
Planning Scheme:	<i>Tasmanian Planning Scheme (Sorell LPS)</i>
Application Status	Discretionary
Relevant Legislation:	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	Multiple Dwellings – Refusal

Relevant Zone:	8.0 General Residential
Proposed Use:	Residential (Single Residential or Multi Residential)
Applicable Overlay(s):	SOR-S1.0 Dispersive Soils Specific Area Plan
Applicable Codes(s):	C2.0 Parking and Sustainable Transport Code
Valid Application Date:	4 August 2023
Decision Due:	19 January 2024
Discretion(s):	1 Clause 8.4.1 - Residential Density for Multiple Dwellings
	2 Clause 8.4.2 - Setbacks and Building Envelope for all Dwellings
	3 Clause SOR-S1.7.1 A1 – Dispersive soils
Representation(s):	Nil.

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 5.2023.201.1 for a Two Multiple Dwellings at 14 Olympic Avenue, Midway Point be refused for the following reasons.

The proposal does not comply with clause 8.4.1 A1 and does not satisfy clause 8.4.1 P1 as:

- 1) the site area per dwelling is not compatible with the density of existing development on established properties;
- 2) no significant social or community benefit;
- 3) the design response to the site and the provision of setbacks and private open space is deficient and represents an overdevelopment of the site.

Executive Summary

Application is made for two (2) detached residential dwellings at 14 Olympic Avenue, Midway Point (subject site).

The property is zoned General Residential and subject to the SOR-S1.0 Dispersive Soils Specific Area Plan overlay.

The key planning considerations relate to:

- Overdevelopment (Residential Density for Multiple Dwellings), which is compounded by a poor design and layout.
- Boundary setbacks and site coverage.
- Insufficient usable and appropriate private open space.
- Limited opportunity for appropriate soft landscaping and excessive hard impervious surfaces.
- Poor design outcomes with regards to car parking and vehicle movement.

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

Relevance to Council Plans & Policies

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

Legislation

- This report details the reasons for the officer recommendation.
- Broadly, the planning authority can either adopt or change the recommendation by adding, modifying or removing conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.
- The planning authority has a specific role in LUPAA. As noted by the Tribunal:

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

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

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

Referrals

Agency / Dept.	Referred?	Response?	Conditions?	Comments
Development Engineering	Yes	Yes	Yes	The proposal was referred to Council's Engineers who raised initial concerns with regards to vehicle movement and car parking. Ultimately, Council Engineers did not object to the proposal subject to conditions to be included in any permit issued.
Environmental Health	No	N/A	N/A	N/A
Plumbing	No	N/A	N/A	N/A
NRM	No	N/A	N/A	N/A
TasWater	Yes	Yes	Yes	No objection subject to standard conditions.
TasNetworks	Yes	Yes	No	Nil
State Growth	No	N/A	N/A	N/A

Report

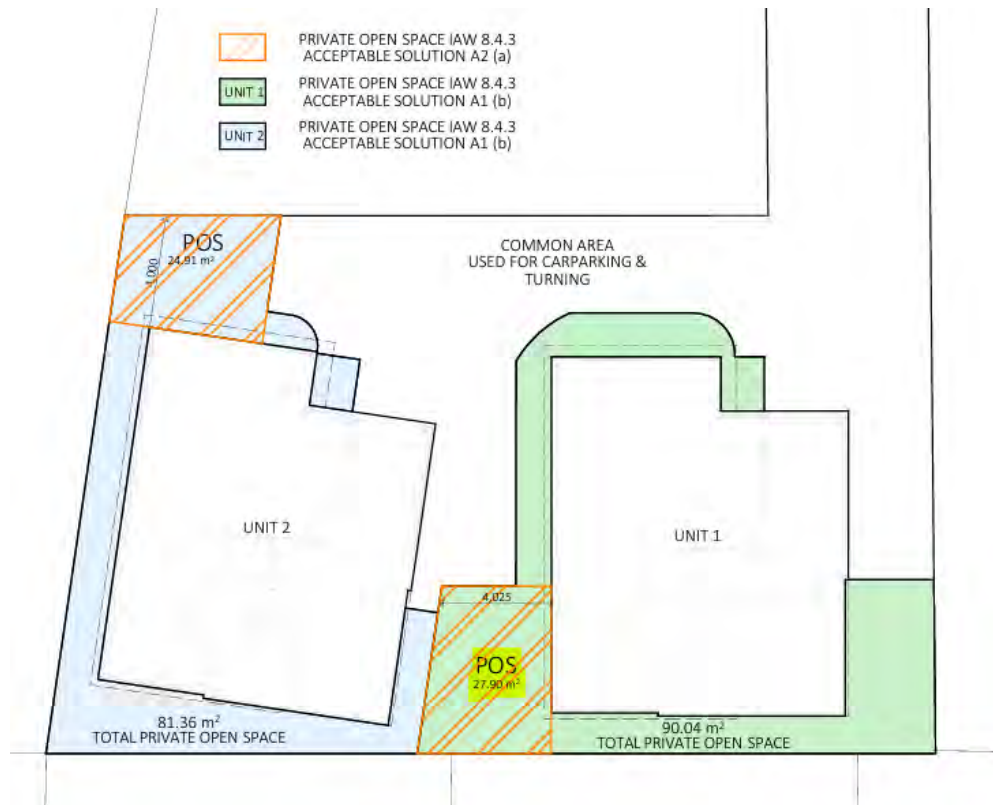
Description of Proposal

A development application for multiple dwellings (two (2) detached unit developments). Both building designs are to be constructed of Sycon and brick with a skillion roof profile.

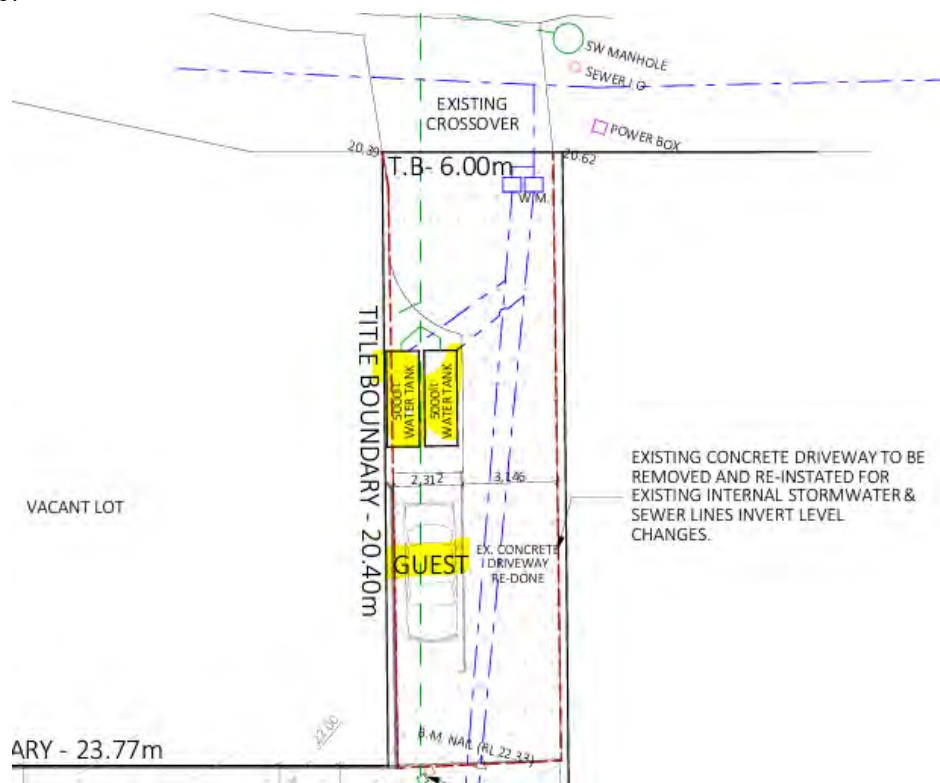
The design consists of two (2) mirror image floor plans comprises of:

- Open Plan Living/Dining/Kitchen without direct access to private open space (POS).
- Three (3) bedrooms (including master with ensuite).
- Main bathroom with independent WC.
- Single garage inclusive of Laundry.

Private open space (POS) for both dwellings is limited with restricted effective POS (27sqm) only being provided to Unit 1.



Visitor parking and two (2) 500L water tanks are to be located within the access strip.



Site area allocation:

Unit 1 – 244.6sqm

Unit 2 – 238.0sqm

The application is supported by:

- Dispersive Soils Risk Assessment and Management Strategies Report by Strata Geoscience and Environmental Pty Ltd.

Description of Site

The site is:

- 745 m² in size.
- Rear battle-axe lot with a 5m wide and 20m length access strip.
- Contains no native vegetation.
- Is accessed from Olympic Avenue road over an existing sealed crossover.
- Is connected to reticulated water and sewer.
- Has a reticulated storm water connection.
- Adjoins residential land to the north, south, east and west.



Figure 1. Subject site.

Planning Assessment

Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
8.4.1	Site Area	Does not comply – The allocated site area for Unit 1 is 244.6sqm and Unit 2 is 238.0sqm in lieu of a minimum 325sqm. The site area less the access strip is approximately 625sqm and as a result there is less than the minimum 325sqm per dwelling
8.4.2 Setbacks and building envelope for all dwellings		
A1	Primary Frontage Setback	A1 is not relevant to the proposal given the subject site is an internal Lot.
A2	Garage Setback	The application complies with A2 as the site is an internal lot with garages within building footprint.
A3	Setbacks	Does not comply with A3 as: <ul style="list-style-type: none"> Unit 2's distance from the rear boundary of a property (Lot 9) with an adjoining frontage is 4.119m in lieu of a minimum 4.5m; and Unit 1's rear boundary setback is 1.377m in lieu of a minimum 1.5m for a length 10.820m.
8.4.3 Site Coverage and private open space for all dwellings		
A1	Site Coverage	Complies – Total site Coverage is not more than 50% and total Private Open Space for each dwelling is greater than 60sqm.
A2	Private open space	The application technically complies with A1, however proposed POS is considered insufficient and a poor design outcome given POS for both dwellings is limited and impracticable. Unit 1's effective POS (27sqm) is without direct access to the open-plan Lounge/ Dining/Kitchen and dominated by pathway and access pathways. Unit 2's effective POS 24sqm is occupied by a raised deck that reduces the useable space to 5.7sqm.
8.4.4	Sunlight to private open space	Complies with A1.
8.4.5	Width of openings for garages	A1/P1 is not relevant to the proposal being an internal Lot.
8.4.6 - Privacy for all dwellings		

A1	Overlooking from a deck, etc	A1/P1 is not relevant to the proposal as the FFL is <1m above natural ground level.
A2	Overlooking - a habitable room window	A2/P2 is not relevant to the proposal as the FFL is <1m above natural ground level.
A3	Shared driveway	Complies - The application complies with A1 as Unit 1's dining room window is separated by a privacy screen at a distance of greater than 1m.
8.4.7 – A1	Frontage fences for all dwellings	A1/P1 is not relevant to the proposal. No frontage fencing proposed.
8.4.8 – A1	Waste storage	Complies - The application complies with A1 as acceptable waste bins storage has been allocated to each unit.

Performance Criteria Assessment 1 - 8.4.1 Residential Density for Multiple Dwellings

The performance criteria is applicable as the prescribed minimum site area per dwelling is less than 325sqm. The performance criteria provides

Multiple dwellings must only have a site area per dwelling that is less than 325m², if the development will not exceed the capacity of infrastructure services and:

- a) is compatible with the density of existing development on established properties in the area; or*
- b) provides for a significant social or community benefit and is:*
 - (i) wholly or partly within 400m walking distance of a public transport stop; or*
 - (ii) wholly or partly within 400m walking distance of an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone or Commercial Zone.*

The total Lot size is 745sqm however, both dwellings have a site area of less than 325sqm given that the access strip is some 120sqm in size.

The application does not satisfy the performance criteria given:

- 1) The reduced site area per dwelling is incompatible with the density of existing development on established properties in the area, with limited examples of multiple dwellings within the immediate locality and limited examples of multiple dwelling sites being larger lots with direct road frontage.
- 2) The subject site is not within 400m walking distance of a public transport stop. It is not within 400m walking distance of an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business

Zone, Central Business Zone or Commercial Zone.

- 3) The development is considered overdevelopment with:
- (i) Usable Private Open Space is insufficient. POS for both dwellings is limited and impracticable. Unit 1's effective POS (27sqm) is without direct access to the open-plan Lounge/ Dining/Kitchen and dominated by pathway and access pathways. Unit 2's effective POS 24sqm is occupied by a raised deck that reduces the useable space to 5.7sqm.
 - (ii) Excessive hard impervious surfaces with limited space for soft landscaping.
 - (iii) Visitor parking and two (2) 500L water tanks are required to be inappropriately located within the access strip.

Performance Criteria Assessment 2 – Clause 8.4.2 Setbacks and building envelope for all dwellings

The performance criteria is applicable given:

- Unit 2's distance from the rear boundary of a property (Lot 9) with an adjoining frontage is 4.119m in lieu of a minimum 4.5m; and
- Unit 1's rear boundary setback is 1.377m in lieu of a minimum 1.5m for a length 10.820m.

The performance criteria states:

The siting and scale of a dwelling must:

(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:

- (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;*
- (ii) overshadowing the private open space of a dwelling on an adjoining property;*
- (iii) overshadowing of an adjoining vacant property; and*
- (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;*

(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and

(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:

- (i) an adjoining property; or*
- (ii) another dwelling on the same site*

The application does not satisfy the performance criteria as:

- 1) The siting and scale is considered overdevelopment and does not provide separation between dwellings on adjoining properties that is consistent with established properties within the area. Limited examples of multiple dwellings are present within the immediate locality, with the few examples of multiple dwelling sites being much larger lots with direct road frontage and more significant setbacks. Ultimately, the reduced setbacks resulting from overdevelopment contributed to the design being unable to provide satisfactory open space and landscaping consistent with that of adjoining development within the locality.

Codes

C2.0 Parking and Sustainable Transport Code

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

SOR-S1.0 Dispersive Soils Specific Area Plan

Applicable SAP standards		
Clause	Matter	Complies with acceptable solution?
SOR-S1.7 A1	Potential to disturb dispersive soil	No, works involve the release of concentrated water or the disturbance of soils and are greater than 100sqm in area.

Performance Criteria Assessment 3 – SOR-S1.0 Dispersive Soils Specific Area Plan

Buildings and works must be designed, sited and constructed to minimise the risks associated with dispersive soil to property and the environment, having regard to:

- a) the dispersive potential of soils in the vicinity of proposed buildings, driveways, services and the development area generally;*
- b) the potential of the development to affect or be affected by erosion, including gully and tunnel erosion;*
- c) the dispersive potential of soils in the vicinity of water drainage lines, infiltration areas and trenches, water storages, ponds, dams and disposal areas;*

- d) the level of risk and potential consequences for property and the environment from potential erosion, including gully and tunnel erosion;*
- e) management measures that would reduce risk to an acceptable level; and*
- f) the advice contained in a dispersive soil management plan.*

The dispersive soil management plan prepared from Strata Geoscience and Environmental Pty Ltd demonstrates that the potential to disturb dispersive soils can be managed by a number of measures including top soiling and revegetation and application of gypsum.

Representations

No representations were received within the statutory advertising period.

Conclusion

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

Shane Wells
Manager Planner

Attachments:
Proposal Plans

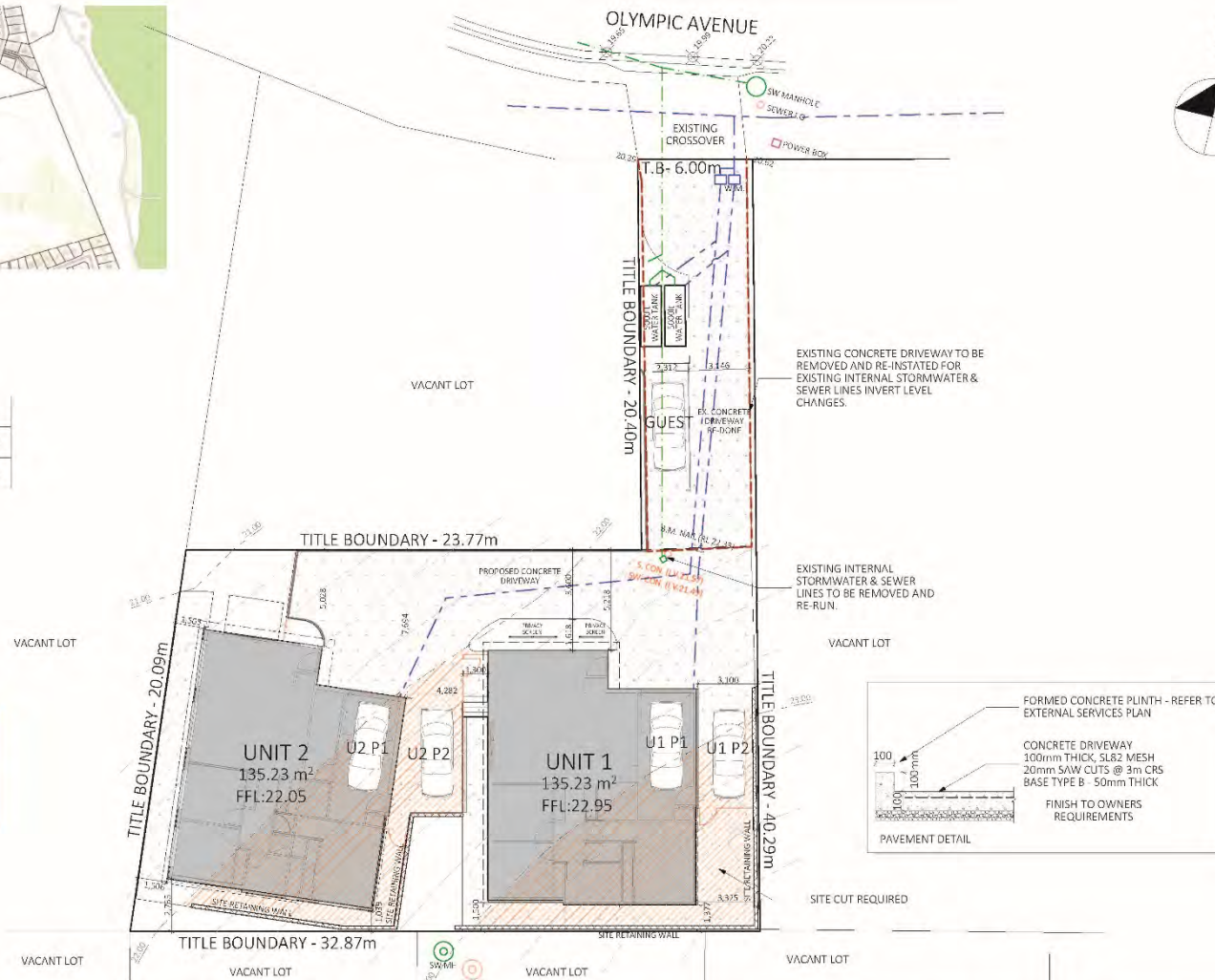


LOCALITY PLAN
NOT TO SCALE

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UNIT 1	135.23
UNIT 2	135.23

Sorell Council
Development Application: Response to Request for Information - 14 Olympic Avenue, Midway Point.pdf
Plans Reference: P3
Date Received: 08/12/2023

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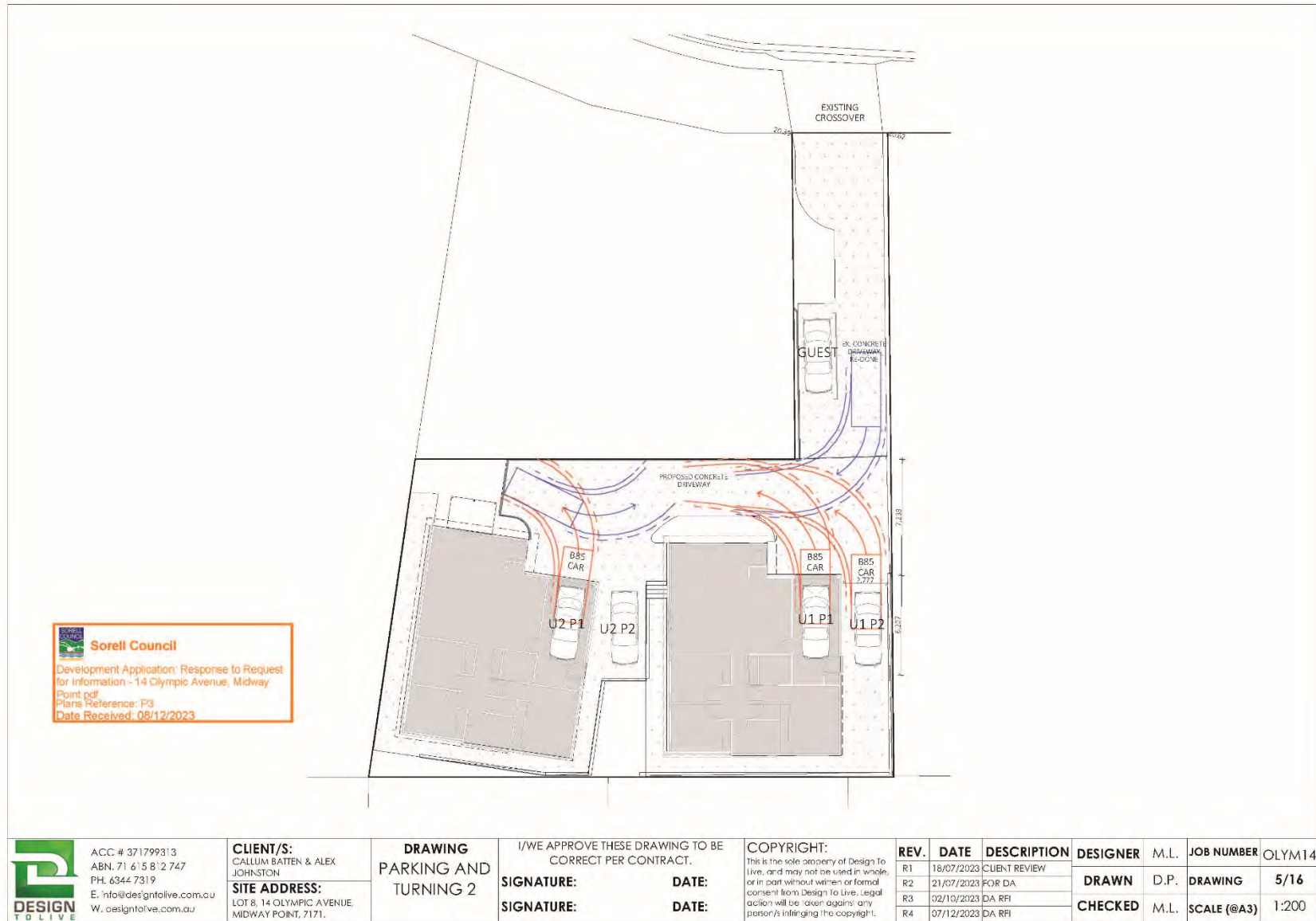
REV.	DATE	DESCRIPTION	DESIGNER	M.L.	JOB NUMBER
R1	18/07/2023	CLIENT REVIEW			OLYM14
R2	21/07/2023	FOR DA	DRAWN	D.P.	DRAWING 2/16
R3	02/10/2023	DA RFI	CHECKED	M.L.	SCALE (@A3) 1:200
R4	07/12/2023	DA RFI			



AGENDA
SORELL PLANNING AUTHORITY (SPA) MEETING
16 JANUARY 2024



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 for Information - 14 Olympic Avenue, Midway
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 Plans Reference: P3
 Date Received: 08/12/2023



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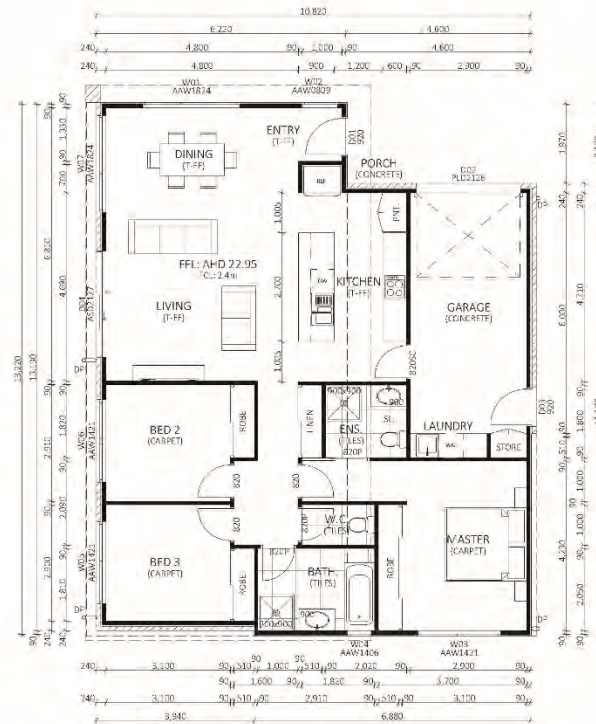
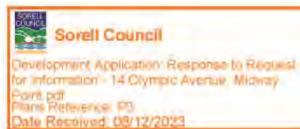
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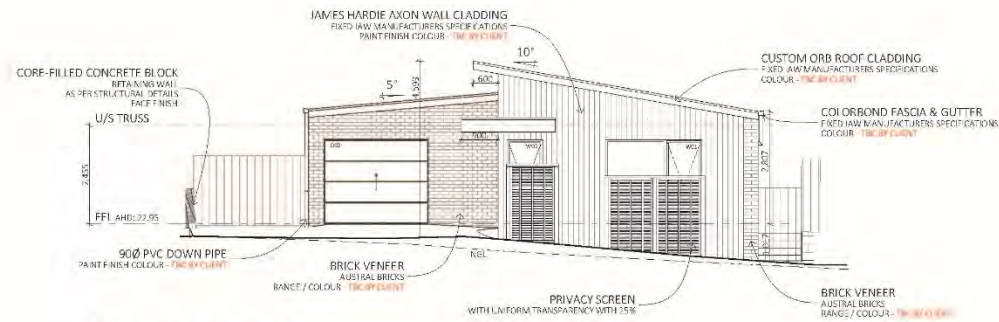
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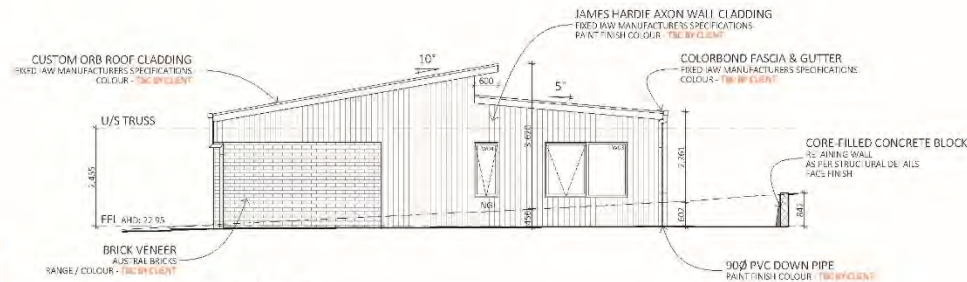
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NORTHERN ELEVATION



SOUTHERN ELEVATION

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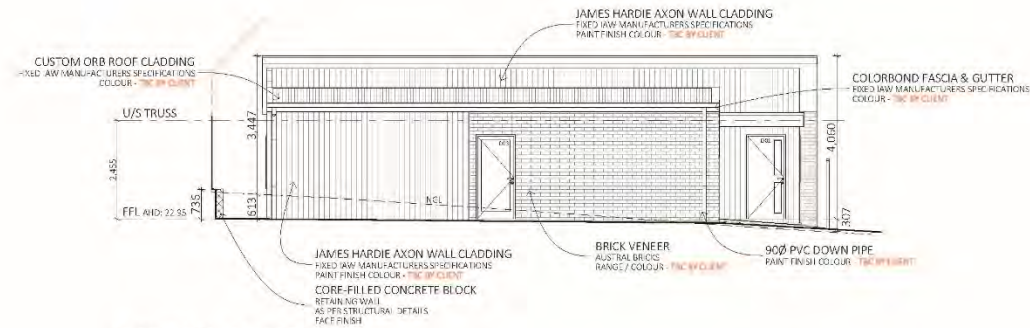
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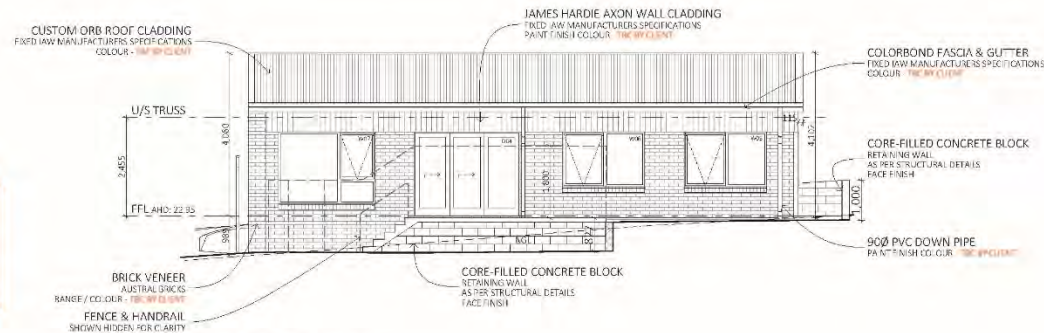
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EASTERN ELEVATION



WESTERN ELEVATION

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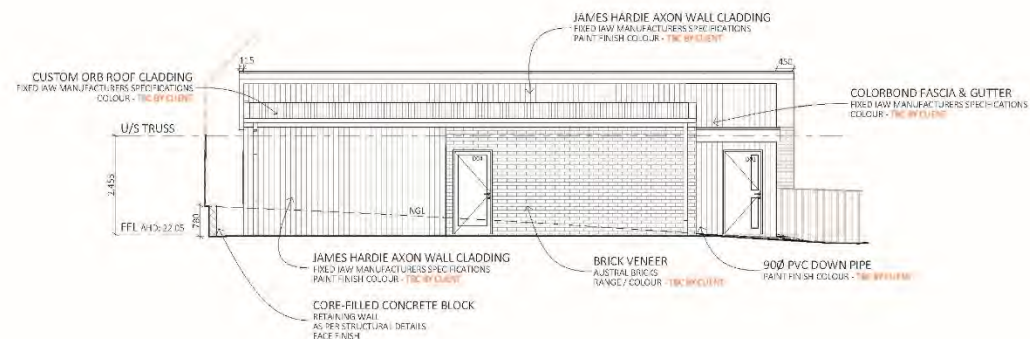
REV.	DATE	DESCRIPTION	DESIGNER	M.L.	JOB NUMBER
R1	18/07/2023	CLIENT REVIEW			OLYM14
R2	21/07/2023	FOR DA	DRAWN	D.P.	DRAWING 13/16
R3	02/10/2023	DA RFI	CHECKED	M.L.	SCALE (@A3) 1:100
R4	07/12/2023	DA RFI			



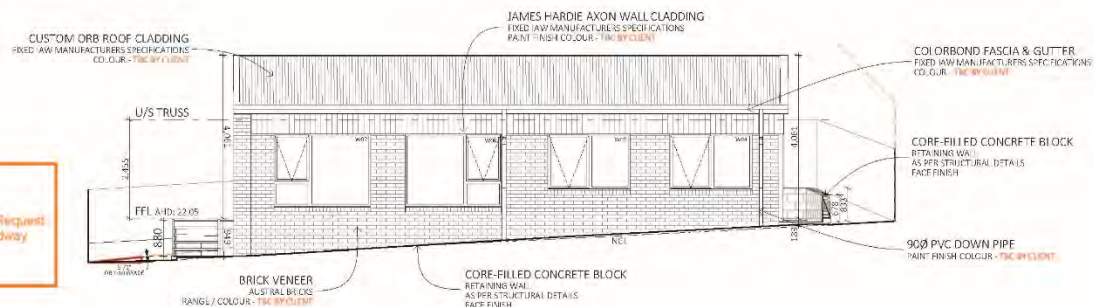
AGENDA
SORELL PLANNING AUTHORITY (SPA) MEETING
16 JANUARY 2024



AGENDA
SORELL PLANNING AUTHORITY (SPA) MEETING
16 JANUARY 2024



EASTERN ELEVATION



WESTERN ELEVATION



ACC # 371799313
ABN: 71 615 812 747
PH: 6344 7319
E: info@designtolive.com.au
W: designtolive.com.au

CLIENT/S:
CALLUM BATTEN & ALEX
JOHNSTON
SITE ADDRESS:
LOT 8, 14 OLYMPIC AVENUE,
MIDWAY POINT, 7171.

DRAWING
ELEVATIONS -
U2 E-W

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CORRECT PER CONTRACT.

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DATE:

SIGNATURE:

DATE:

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REV.	DATE	DESCRIPTION	DESIGNER	M.L.	JOB NUMBER
R1	18/07/2023	CLIENT REVIEW			OLYM14
R2	21/07/2023	FOR DA	DRAWN	D.P.	DRAWING 15/16
R3	02/10/2023	DA RFI	CHECKED	M.L.	SCALE (@A3) 1:100
R4	07/12/2023	DA RFI			



AGENDA
SORELL PLANNING AUTHORITY (SPA) MEETING
16 JANUARY 2024



Sorell Council
 Development Application: Response to Request
 for Information - 14 Olympic Avenue, Midway
 Point, ed.
 Plans Reference: P3
 Date Received: 08/12/2023



ACC # 371799313
 ABN. 71 615 812 747
 PH. 6344 7319
 E. info@designtolive.com.au
 W. designtolive.com.au

CLIENT/S:
 CALLUM BATTEN & ALEX
 JOHNSTON
SITE ADDRESS:
 LOT 8, 14 OLYMPIC AVENUE,
 MIDWAY POINT, 7171.

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PERSPECTIVES

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REV.	DATE	DESCRIPTION	DESIGNER	M.L.	JOB NUMBER
R1	18/07/2023	CLIENT REVIEW			OLYM14
R2	21/07/2023	FOR DA	DRAWN	D.P.	DRAWING 16/16
R3	02/10/2023	DA RFI	CHECKED	M.L.	SCALE (@A3) NTS
R4	07/12/2023	DA RFI			



AGENDA
SORELL PLANNING AUTHORITY (SPA) MEETING
16 JANUARY 2024