



SORELL PLANNING AUTHORITY (SPA) AGENDA

6 MAY 2025

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, 6 May 2025 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
1 MAY 2025



AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE
HELD AT THE COMMUNITY ADMINISTRATION CENTRE (CAC), 47
COLE STREET, SORELL ON TUESDAY 6 MAY 2025

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5.1	REFUSAL OF DWELLING AT 5 INVERNESS STREET, MIDWAY POINT NO. DA 2024 / 312 - 1	2

1.0 ATTENDANCE

△

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

2.0 APOLOGIES

3.0 CONFIRMATION OF THE MINUTES OF 8 APRIL 2025

RECOMMENDATION

"That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 8 April 2025 be confirmed."

4.0 DECLARATIONS OF PECUNIARY INTEREST



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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 REFUSAL OF DWELLING AT 5 INVERNESS STREET, MIDWAY POINT NO. DA 2024 / 312 - 1

Applicant:	Play Co Pty Ltd
Proposal:	Dwelling
Site Address:	5 Inverness Street, Midway Point (CT 185905/97)
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:	Recommendation to refuse

Relevant Zone:	General Residential Zone
Proposed Use:	Single Dwelling
Applicable Overlay(s):	Dispersive Soils SAP, Airport Obstacle Limitation Area, Bushfire-Prone Areas
Applicable Codes(s):	Parking and Access Code
Valid Application Date:	15 April 2024
Decision Due:	13 May 2025
Discretion(s):	1 Front setback
	2 Site coverage
	3 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 5.2024.312.1 for a dwelling at 5 Inverness Street, Midway Point be refused as:

- A. The application does not comply with acceptable solution 8.4.1 A1 and does not satisfy performance criteria 8.4.2 P1 as the frontage setback is not compatible with the streetscape.
- B. The application does not comply with acceptable solution 8.4.1 A1 and does not satisfy performance criteria 8.4.3 P1 as the site coverage is not consistent with that existing on established properties in the area.



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Executive Summary

Application is made for a dwelling at 5 Inverness Street, Midway Point. This property is zoned General Residential and is located in the new subdivision off Oakmont Road.

The key planning considerations relate to the frontage setback and site coverage proposed.

The application is assessed as not satisfying the performance criteria for site coverage and for frontage setback as setout in 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



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

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

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

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

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

Referrals

Agency / Dept.	Referred?	Response?	Conditions?	Comments
Development Engineering	Yes	Yes	Yes	Nil
Environmental Health	Yes	Nil		



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Plumbing	Yes	Nil		
NRM	No			
TasWater	No			
TasNetworks	Yes	Nil		
State Growth	No			

Report

Description of Proposal

Application is made for a single-storey, four bedroom dwelling. The dwelling is clad in brick with unspecified roof materials. The structure is located centrally on the lot with 1.5m side setbacks (both sides), a 3.6m rear setback and a 4.5m front setback. A roofed portico along part of the frontage is setback 2.9m while a garage is setback 5.5m.

A 1.2m high fence with sliding vehicle gate and swinging pedestrian gate is proposed with brick piers and open steel panels.

The plans describe a new vehicle access, however, that access exists. A double garage is provided for vehicle parking.

The application is supported by:

- a planning assessment from Irenelnc dated 7 April 2024 (received 7 April 2025 – ref P6)
- a site classification and dispersive soil assessment report from Statewide Geotechnics dated 27 January 2025 (ref P6)
- drawings from Play Co Pty Ltd Revision D dated 31 March 2025 (ref P6).

Description of Site

The site is within the newly established subdivision at the northern extent of Midway Point. The surrounding area is a mix of newly constructed dwellings, dwellings under construction and ongoing subdivision works.

Inverness Street will become a U shaped through road with public open space occupying much of the block. Public open space will adjoin the rear of the subject site.

The site is relatively flat although increases in elevation from front to rear by approximately 1.5m.



Figure 1. Subject site.



Figure 2. Subject area for purposes of determining the streetscape.



Figure 3. Subject area

Planning Assessment

Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
8.4.2 A1	Frontage setback	No, as the portico is setback 2.9m from frontage. Refer to performance criteria assessment below.
8.4.2 A2	Garage Setback	Yes, as garage is setback 1m behind the building line of the dwelling (which for this purpose does not include the portico).
8.4.2 A3	Building envelope and side setback	Yes, the building is contained within the building envelope and setback 1.5m from side and rear boundaries (the proposed frontage setback is beyond the envelope and assessed by 8.4.2 A1).
8.4.3 A1	Site coverage	No, as site coverage exceeds 50%. Refer to performance criteria assessment below.
8.4.3 A2	Private open space	Yes, private open space is provided that complies with the 24m ² and 60m ² requirements.

8.4.5 A1	Garage width	Yes, width of the garage opening is less than 6m.
8.4.6 A1	Privacy – deck	Yes, screening is provided to the portico which has a finished floor level (FFL) >1m. Rear deck has FFL <1m and not assessed.
8.4.6 A2	Privacy – window	Yes, habitable room FFL is <1m and not assessed.
8.4.7 A1	Frontage fence	Yes, as height is 1.2m.

Performance Criteria Assessment 1 – Clause 8.4.2 P1 Frontage Setback

A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints.

Streetscape is defined as:

means the visual quality of a street depicted by road width, street planting, characteristics and features, public utilities constructed within the road reserve, the setback of buildings and structures from the property boundaries, the quality, scale, bulk and design of buildings and structures fronting the road reserve. For the purposes of determining streetscape for a particular site, the above matters are relevant when viewed from either side of the same street within 100m of each side boundary of the site, unless for a local heritage precinct or local historic landscape precinct listed in the relevant Local Provisions Schedule, where the extent of the streetscape may be determined by the relevant precinct provisions.

The performance criteria is applicable as the portico is setback 2.9m from frontage, less than the 4.5m provided by the acceptable solution.

The Tasmanian Civil and Administrative Tribunal (TASCAT) considered frontage setback in its decision on *Arnold v Launceston City Council* [2025] TASCAT 48 issued on 21 March 2025. This decision provides guidance on the application of the performance criteria, which ultimately requires a narrow consideration of setbacks and not a broad consideration of design elements (notwithstanding the streetscape definition). In this, the performance criteria is 'directed to the setback, not design characteristics more generally' with a

focus on 'the setbacks compatibility with the streetscape, not the built form's compatibility with the streetscape'. The correct test is therefore 'whether the distance of the proposal to the boundary is in broad correspondence or harmony with the streetscape. This requires us to quantify the distance and qualitatively assess the compatibility'.

The streetscape around the site is not established. At the time of writing there are no existing or approved dwellings on the eastern side of Inverness Street. On the western side there is one existing dwelling located on an internal lot and no other approved, built or under construction dwellings.

As there are no existing dwellings with a setback of 2.9m and no topographical constraints, the proposal is not compatible with the streetscape as it now exists. On this basis, the proposal is recommended for refusal.

Performance Criteria Assessment 2 – Clause 8.4.3 P1 Site Coverage

Dwellings must have:

- (a) *site coverage consistent with that existing on established properties in the area;*
- (b) *private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate:*
 - (i) *outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and*
 - (ii) *operational needs, such as clothes drying and storage; and*
- (c) *reasonable space for the planting of gardens and landscaping.*

The performance criteria is applicable as the site coverage is 51.5%, above the 50% provided by the acceptable solution. The calculation of site coverage provided by the application via the planner assessment and drawings is incorrect. The site area is 450m² based on title documentation. The assessed site coverage is 232m² based on scaled measurements using supplied drawings and Council Bluebeam Revu software v 21.4.

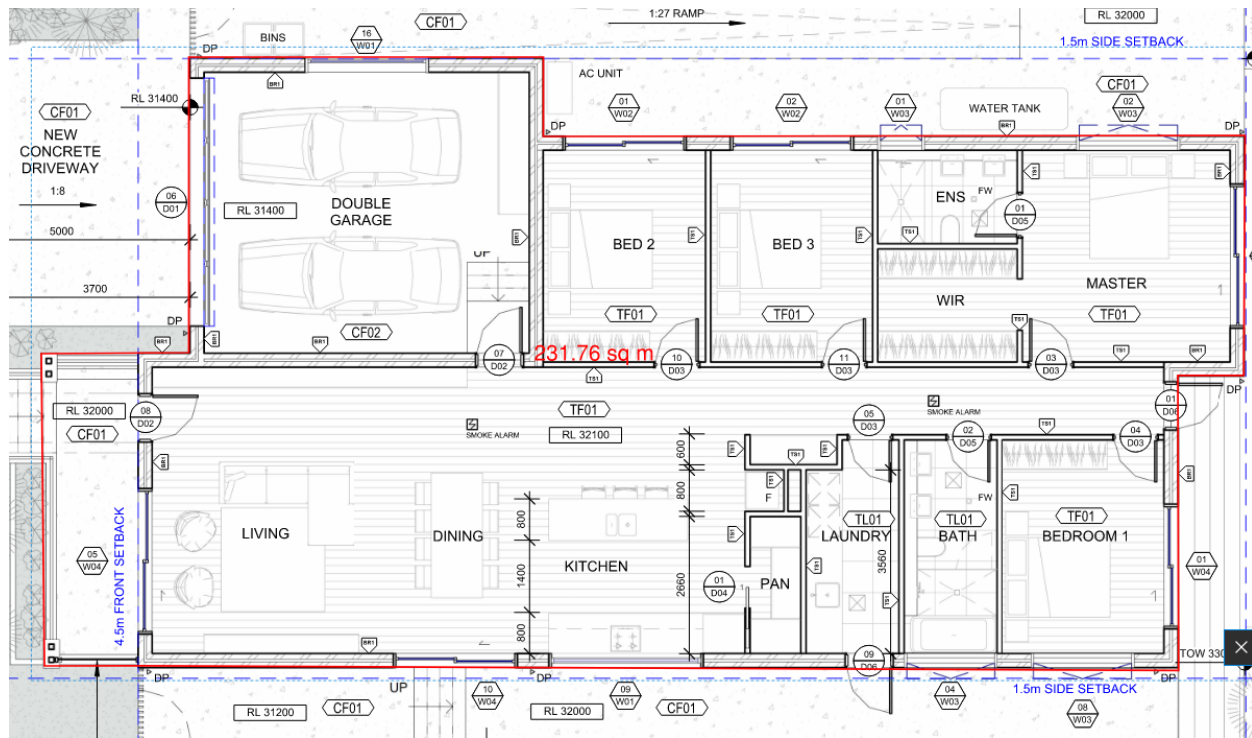


Figure 4. Assessed Site Coverage.

Area for the purposes of 8.4.3 P1 (a)

The area for the purposes of 8.4.3 P1 (a) is shown in Figure 3 and includes the subdivisions from Sweetwater Road to Kiribati Road. This area has broad similarities established by the recent timing of subdivisions with Sweetwater Road developed from 2015, Kiribati Road developed from the early 2000's and Oakmont/Inverness currently under construction. Being new subdivisions, there are broad similarities in the scale and form of dwellings. This area is narrower than Midway Point as a whole and broader than developing Oakmont/Inverness site.

Assessment of established properties in the area

A visual inspection of Council's aerial imagery last updated in February 2025 has identified the following properties that have high site coverage relative to other existing properties.

Address	Site Coverage – from Building Approvals
12 Lagoon View Road	44% (176.4m ²)
39 Sweetwater Road	46.1% (308m ²)
14 Inverness Road	42% (398m ²)
3 Oakmont Road	38.4% (212.4m ²)
16 Oakmont Road	42.3% (190.9m ²)
3 Olympic Avenue	41% (292.2m ²)

Assessment

The site coverage proposed is not consistent with any established property in the area. On this basis, the proposal is recommended for refusal.

Code

Bushfire-Prone Areas Code

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

Parking and Sustainable Transport Code

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

Dispersive Soils Specific Area Plan

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
SOR-S1.7 A1	Dispersive soils	No, as works exceed 100m ² .

Performance Criteria Assessment 3 – Clause SOR-S1.7.1 P1 Dispersive Soils

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.*

Based on the dispersive soils assessment provided the performance criteria is satisfied. The recommendations of the dispersive soils assessment should be reflected in any permit granted.

Representations

Nil.

Conclusion

The application should be refused for failing to satisfy performance criteria set out in the Tasmanian Planning Scheme (Sorell LPS) for site coverage and frontage.

Shane Wells
Manager Planner

Attachments:

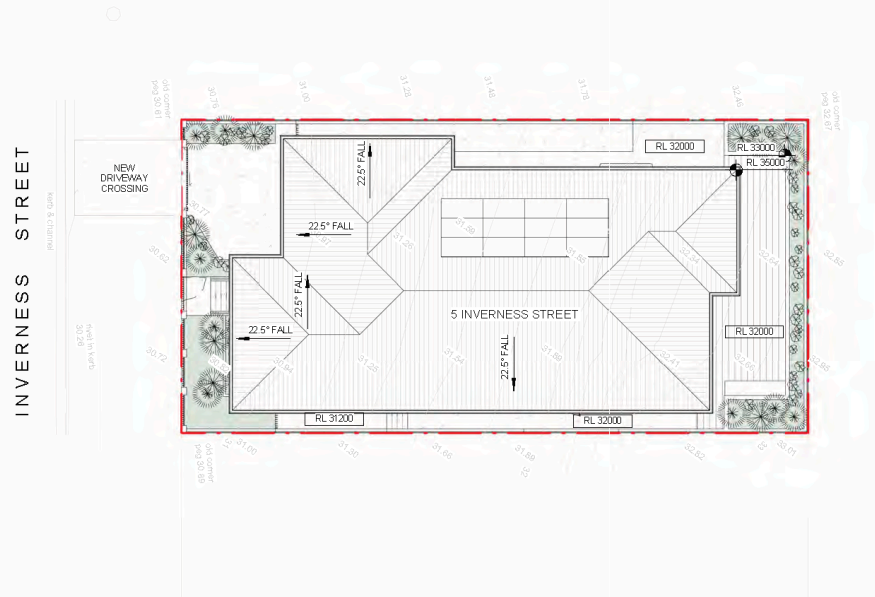
Proposal Plans

Separate Attachments:

Planner assessment

Dispersive soils assessment

PRELIMINARY
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SITE AREA:

450 m²

GFA CALCULATION:

GROUND FLOOR = 189 m²

TOTAL = 189 m²

LANDSCAPED AREA CALCULATION:

TOTAL PROPOSED LANDSCAPED AREA:

42.0 m²

MAX. SITE COVERAGE (50%):

225 m²

TOTAL PROPOSED SITE COVERAGE AREA:

219 m²

Sorell Council

Development Application: 5.2024.312.1 -
Response to Request For Information - 5
Inverness Street, Midway Point - P6.pdf
Plans Reference: P6
Date Received: 07/04/2025

NOTES

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REV	DATE	DESCRIPTION
A	2024.11.21	Issued for coordination
B	2025.01.22	Issued for coordination
C	2025.02.10	Issued for coordination
D	2025.03.31	Issued for RFI

PROJECT
5 INVERNESS STREET
5 Inverness Street, Midway Point, TAS 7171

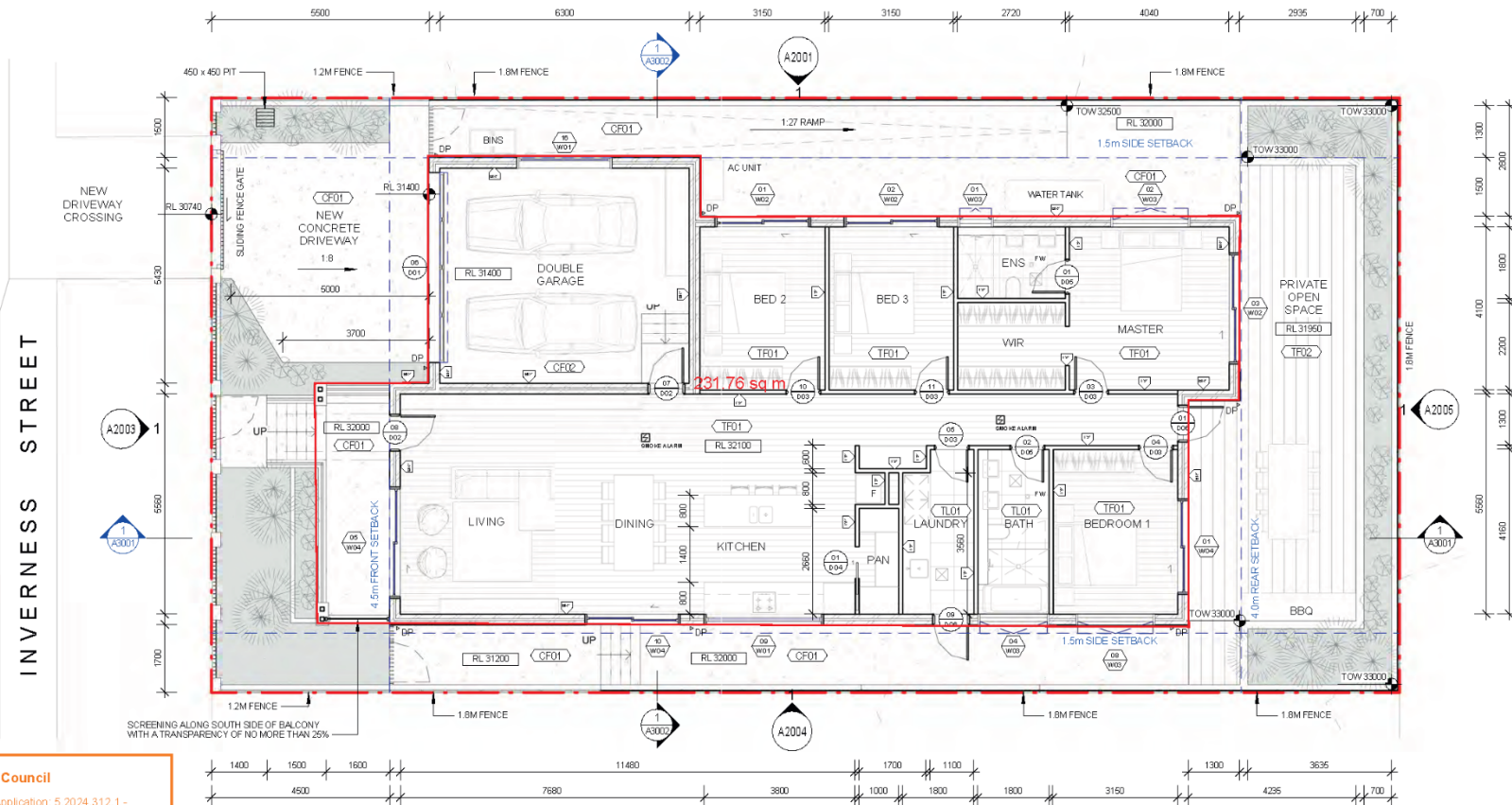
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PROJECT NUMBER	P538	PROJECT ADDRESS	5 Inverness Street, Midway Point, TAS 7171
DRAWING NUMBER	A0100	DRAWING TITLE	Site Plan
SCALE	1 : 200	PAPER SIZE	A3
DRAWN BY	SH	REVIEWED BY	RN
		STATUS	Preliminary



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SORELL PLANNING AUTHORITY (SPA) MEETING
6 MAY 2025

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Sorell Council

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PROJECT NUMBER: P538
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DRAWING NUMBER: A1102
DRAWING TITLE: Ground Floor Plan

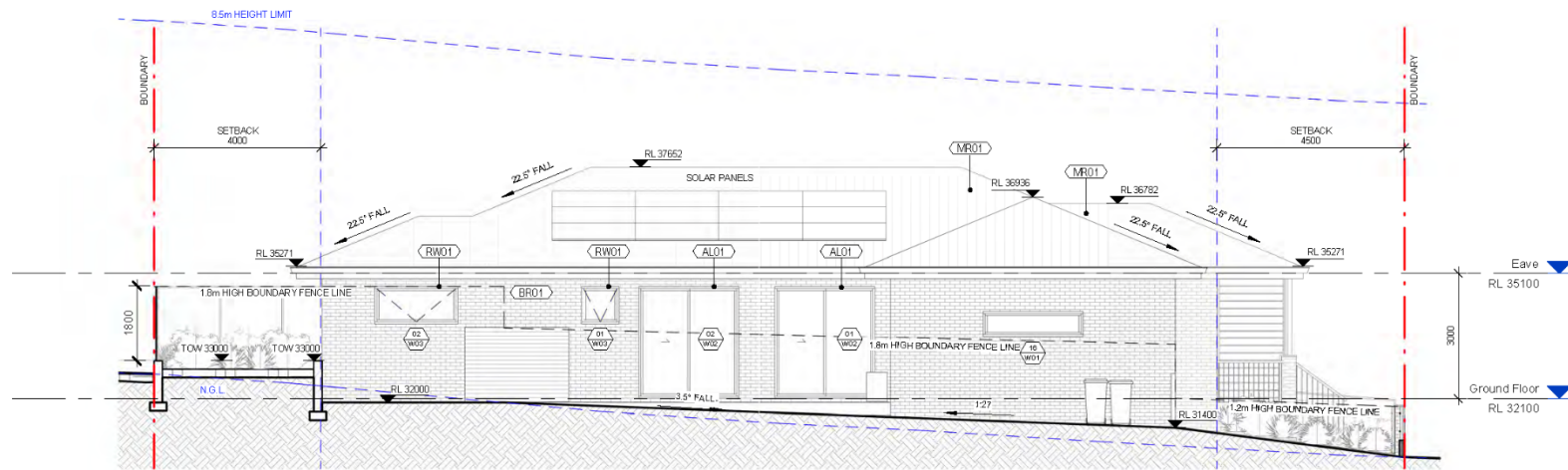


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PAPER SIZE: A3
REVISION: D
DRAWN BY: SH
REVIEWED BY: RN
STATUS: Preliminary



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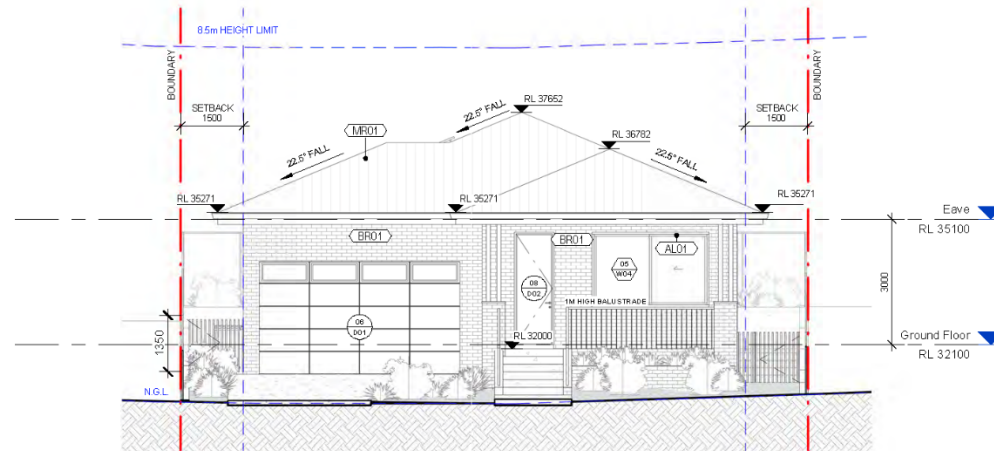
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DRAWING NUMBER	A2001	DRAWING TITLE	North Elevation
SCALE	1:100	PAPER SIZE	A3
DRAWN BY	SH	REVIEWED BY	RN
		STATUS	Preliminary

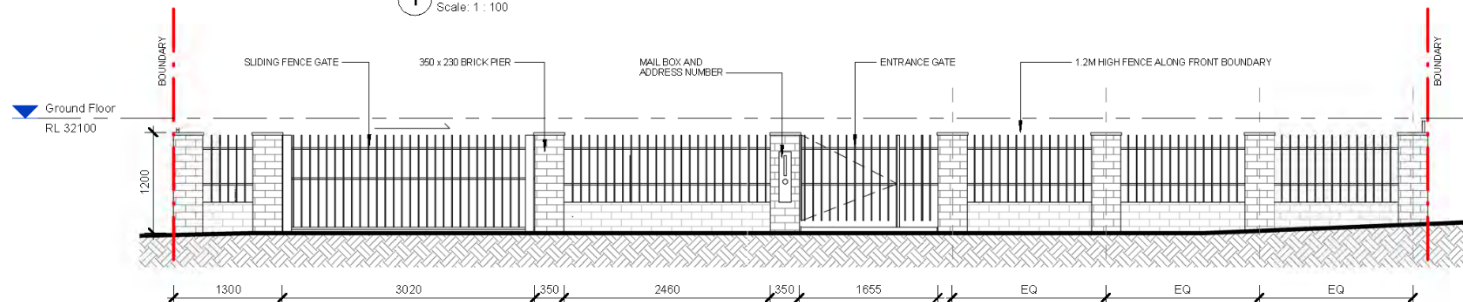


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1 West Elevation
Scale: 1 : 100



2 Front Fence Elevation
Scale: 1 : 50

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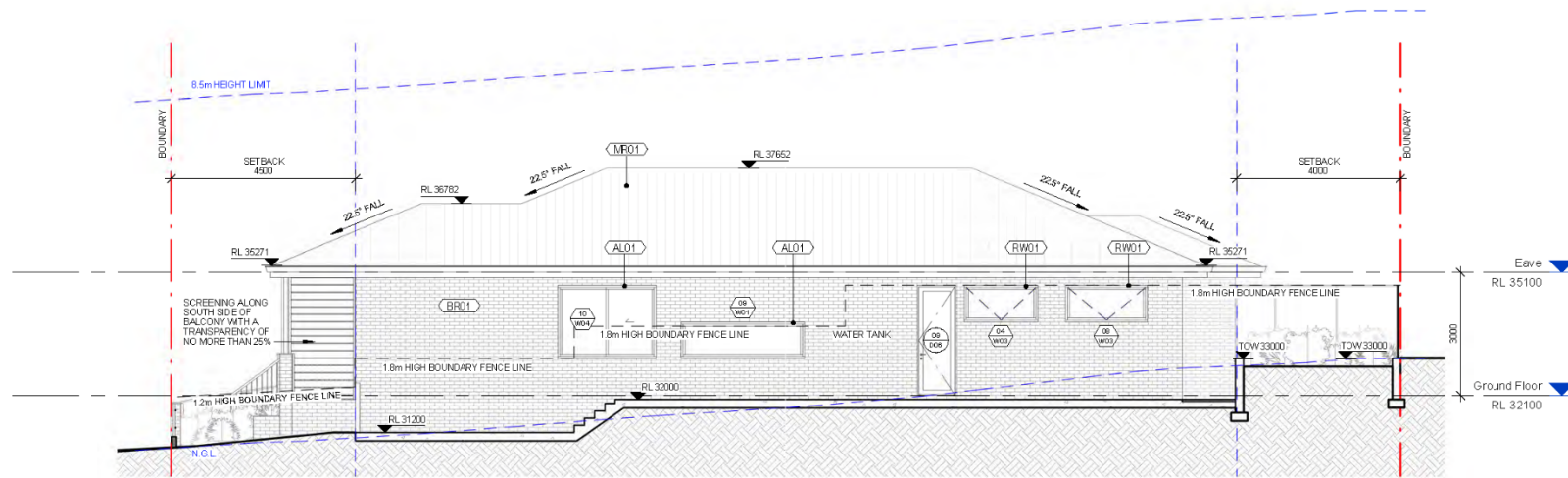


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DRAWING NUMBER	A2003	DRAWING TITLE	West Elevation		
SCALE	As indicated	PAPER SIZE	A3	REVISION	D
DRAWN BY	SH	REVIEWED BY	RN	STATUS	Preliminary

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Sorell Council
Development Application: 5/2024/312.1 -
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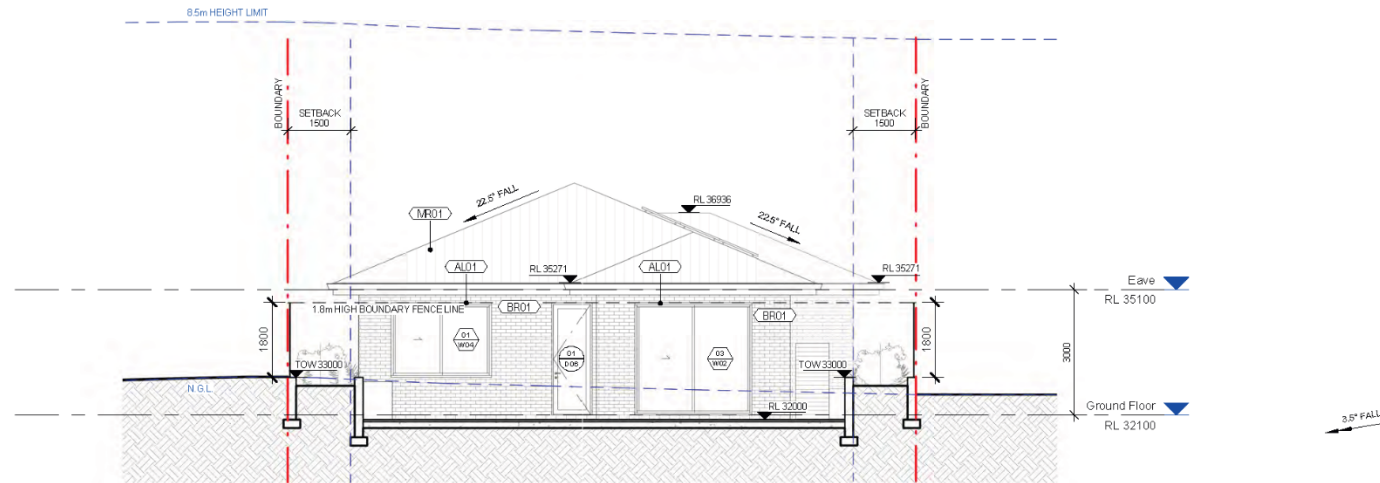
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DRAWING NUMBER	A2004	DRAWING TITLE	South Elevation
SCALE	1:100	PAPER SIZE	A3
DRAWN BY	SH	REVIEWED BY	RN
		STATUS	Preliminary



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REV	DATE	DESCRIPTION
A	2024.11.21	Issued for coordination
B	2025.01.22	Issued for coordination
C	2025.02.10	Issued for coordination
D	2025.03.31	Issued for RFI

PROJECT
5 INVERNESS STREET
5 Inverness Street, Midway Point, TAS 7171

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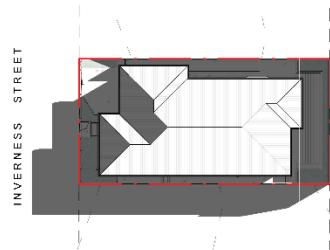
CLIENT

PROJECT NUMBER	P538	PROJECT ADDRESS	5 Inverness Street, Midway Point, TAS 7171
DRAWING NUMBER	A2005	DRAWING TITLE	East Elevation
SCALE	1:100	PAPER SIZE	A3
REVISION	D	STATUS	Preliminary
DRAWN BY	SH	REVIEWED BY	RN

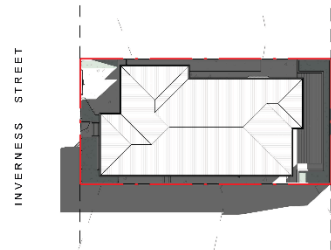


AGENDA
SORELL PLANNING AUTHORITY (SPA) MEETING
6 MAY 2025

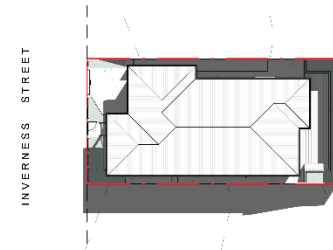
PRELIMINARY
NOT FOR CONSTRUCTION



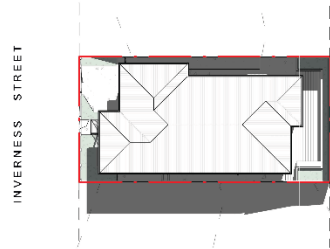
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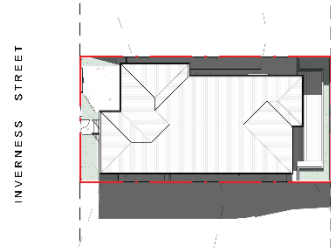
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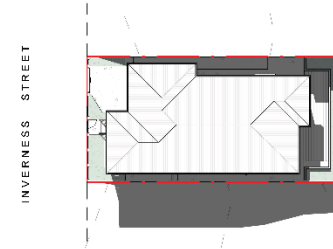
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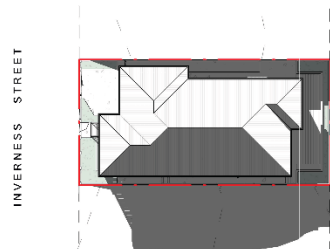
4 Shadow Plan_06.21_1200
Scale: 1 : 500



5 Shadow Plan_06.21_1300
Scale: 1 : 500



6 Shadow Plan_06.21_1400
Scale: 1 : 500



7 Shadow Plan_06.21_1500
Scale: 1 : 500

Sorell Council
Development Application: 5.2024.312.1 -
Response to Request For Information - 5
Inverness Street, Midway Point - P6.pdf
Plans Reference: P6
Date Received: 07/04/2025

NOTES

- ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, STATUTORY REGULATIONS AND LOCAL AUTHORITY REQUIREMENTS.
- COORDINATION OF DRAINAGE CONSISTENCY WITH LOCAL COUNCILS MAINTENANCE.
- PREPARE & MAKE GOOD ALL SURFACES & SUBSTRATE AS REQUIRED TO COMPLY WITH THE LOCAL COUNCILS REQUIREMENTS.
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REV	DATE	DESCRIPTION
A	2025.02.10	Issued for coordination
B	2025.03.31	Issued for RFI

PROJECT
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PROJECT NUMBER	P538	PROJECT ADDRESS	5 Inverness Street, Midway Point, TAS 7171
DRAWING NUMBER	A8001	DRAWING TITLE	Shadow Diagrams
SCALE	1 : 500	PAPER SIZE	A3
REVISION	3	STATUS	Preliminary
DRAWN BY	SH	REVIEWED BY	RN



AGENDA
SORELL PLANNING AUTHORITY (SPA) MEETING
6 MAY 2025