



SORELL PLANNING AUTHORITY (SPA) **AGENDA**

18 NOVEMBER 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, 18 November 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
13 NOVEMBER 2025



AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE
HELD AT THE COMMUNITY ADMINISTRATION CENTRE (CAC), 47
COLE STREET, SORELL ON TUESDAY 18 NOVEMBER 2025

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AUDIO-VISUAL RECORDING OF MEETINGS

I would like to advise that an audio-visual recording is being made of this meeting. I also remind everyone present to be respectful and considerate towards others attending the meeting. Language or behaviour that could be perceived as offensive, defamatory, or threatening to any person attending the meeting, or to those listening to the recording, will not be tolerated.

1.0 ATTENDANCE

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

2.0 APOLOGIES

3.0 CONFIRMATION OF THE MINUTES OF 7 OCTOBER 2025

RECOMMENDATION

"That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 7 October 2025 be confirmed."

4.0 DECLARATIONS OF INTEREST



AGENDA

SORELL PLANNING AUTHORITY (SPA) MEETING
18 NOVEMBER 2025

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 7.2025.15 1 SUBDIVISION (TWO ADDITIONAL LOTS) AT 12 CLARK STREET, DUNALLEY

Applicant:	T Woolford
Proposal:	Two Lot Subdivision
Site Address:	12 Clark Street, Dunalley (184255/2)
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:	Owner or applicant is a staff member

Relevant Zone:	Low Density Residential
Proposed Use:	Not applicable, ref clause 6.2.6
Applicable Overlay(s):	Waterway Coastal Protection Area Flood Prone Hazard Area
Applicable Codes(s):	C2.0 Parking and Sustainable Transport Code, C3.0 Road and Railway Assets Code, C7.0 Natural Assets Code, C12.0 Flood Prone Areas Code, C13.0 Bushfire Prone Areas Code
Valid Application Date:	26 September 2025
Decision Due:	24 November 2025
Discretion(s):	1 10.6.1 Lot design
	2 10.6.3 Services
	3 C2.6.1 Construction of parking areas
	4 C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area
	5. C12.7.1 Subdivision within a flood-prone hazard area
Representation(s):	Nil

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 7.2025.15.1 for a Three Lot Subdivision at 12 Clark Street, Dunalley be approved, subject to the following conditions:

1. Except where modified by a condition of this permit, the use and development must be substantially in accordance with the endorsed plans and documents:
 - (a) P2 (Cover Letter), dated 06 October 2025, received 06 October 2025
 - (b) P1 (Site & soil evaluation report – onsite wastewater management), dated 20 January 2025, received 13 August 2025
 - (c) P1 (Flood prone areas assessment), dated 20 November 2024, received 13 August 2025.
 - (d) P1 (Bushfire Hazard Report), dated July 2025, received 13 August 2025
 - (e) P1 (Plan of subdivision), dated October 2024, received 13 August 2025
2. The recommendations for access design as provided in the Bushfire Hazard Report reference in condition 1 must be incorporated into the overall design of vehicle access and shown on the drawings submitted for engineering approval.
3. As no provision has been made for Public Open Space or improvements thereto and, having formed the opinion that such a provision should be made, Council invokes the provisions of Section 117 of the *Loyal Government (Building and Miscellaneous Provisions) Act 1993* (LGBMP) and requires security equivalent of 5% of the improved value of the gross area of subdivision.

This security should be in the form of a direct payment made before the sealing of the final plan or, alternatively, in the form of security provided under Section 117 of the LGBMP.

The subdivider is to obtain a report from a Registered Valuer for the purposes of determining the improved value of the gross area of the subdivision.

Advice: please refer to Council's Open Space Policy for valuation requirements.

Engineering

4. Prior to any works commencing for approved subdivision, engineering design drawings showing all work required by this planning permit must be prepared in substantial accordance with the latest:

- (a) Tasmanian Subdivision Guidelines,
- (b) Tasmanian Municipal Standard Specifications,
- (c) Tasmanian Standard Drawings,
- (d) Conditions of this permit which specify the design of works, and
- (e) Any other document standard, specification, guideline or policy advised as relevant by Council.

The engineering design drawings must be prepared by a suitably qualified and experienced engineer or engineering consultancy with an appropriate level of professional indemnity insurance.

Advice:

- i. *The Tasmanian Subdivision Guidelines, Municipal Standard Specifications, and Standard Drawings are available at www.lgat.tas.gov.au.*
 - ii. *Variations from the above listed or subsequently advised documents may be approved at the discretion of the Council General Manager or their delegate where a clear justification exists and the alternative solution is of no lesser quality, in terms of infrastructure performance or maintenance costs over the life of the asset.*
 - iii. *All civil works must be constructed as per Council's approved Engineering drawings.*
 - iv. *The engineering design drawings checked and stamped by Council will expire on Two (2) years from the date of issue.*
5. Prior to any works commencing for approved subdivision, the following Council Fees and Charges must be paid:
- (a) Engineering Design Drawing Checking Fee at 2% of the construction costs or the minimum amount (whichever is higher), and:
 - (b) Inspection Fee for the estimated minimum number of inspections.

In the event re-checking of engineering design drawings due to changes from client or if additional inspections are required, the Council Fees and Charges may be applied accordingly.

Advice: Council Fees and Charges are updated each financial year and can be found in the Sorell Council Fees and Charges schedule, available from Council's website.

6. Prior to any works commencing, the Council must issue stamped set of the engineering design drawings.
7. Prior to sealing the final plan of survey:
 - (a) All existing lot connections must be relocated to be wholly contained within the balance lot or contained within new or existing service easements to the satisfaction of Council's General Manager (if any);
Advice: this condition covers any existing stormwater, water, sewer, electrical, access or telecommunications infrastructure
 - (b) The survey pegs for all lots in the subdivision are to be certified correct.

Road

8. The shared internal access (required by the bushfire hazard management plan) must be constructed to:
 - (a) feature one-way crossfall and capture stormwater runoff such that it is managed on site and not concentrated onto adjoining properties;
 - (b) have gravel surface that is designed, constructed and maintained to avoid sedimentation, erosion, or excess dust; and
 - (c) be in general accordance with the requirements of AS2890.1:2004.
9. Prior to Council accepting a Notice of Intention to Carry Out Work, a Soil Management Plan must be provided to Council if excavating and removing material off site.

Power and Telecommunication

10. Prior to sealing the final plan of survey, the developer must submit to Council either:
 - (a) a completed exemption from the installation of fibre ready pit and pipe notice, or
 - (b) a "Provisioning of Telecommunications Infrastructure – Confirmation of final payment", or
 - (c) "Certificate of Practical Completion of Developer's Activities" from Telstra or NBN Co.

Advice: Please refer to Notice under Telecommunications (Fibre-ready Facilities – Exempt Real Estate Development Projects) Instrument 2021" at

<https://www.communications.gov.au/policy/policy-listing/exemption-pit-and-pipe-requirements/development-form>

11. Prior to sealing the final plan of survey, the developer must submit written advice from TasNetworks confirming that either:
 - (a) all conditions of the Agreement between the Owner and authority have been complied with with respect to the provision of a connection to the electricity network to each lot by the developer; or
 - (b) that future lot owners will not be liable for network extension or upgrade costs, above and beyond the costs of a standard property connection at the time each lot is further developed.

Stormwater

12. Prior to sealing of the final plan, a minor stormwater network designed to accommodate a 5% AEP event, including provision of any required detention or easement to prevent downstream flooding or nuisance must be provided for Lot 2 and 4.
13. Stormwater discharge points for lots to Gilpin Creek must be sited to avoid tree removal and designed with adequate scour protection to prevent erosion of stream bank.

Fill

14. Any site filling, if to a depth of 300mm or more, must comply with the provisions of Australian Standard AS 3798 Guidelines on Earthworks for Commercial and Residential Development and demonstrated by certification from a suitably qualified and experienced civil engineer.

Fencing for each lot

15. The survey pegs for all lots in the subdivision are to be certified correct prior to Council sealing the Final Plan of Survey.

Environmental Health

16. All civil and building construction work associated with the development must be within the following hours:
 - (a) 7.00. a.m. to 7.00. p.m. from Monday to Friday
 - (b) 8.00 a.m. to 6.00 p.m on Saturdays; and
 - (a) No works are permitted on Sundays or public holidays.

Advice: Approval must be obtained from the Manager Health & Compliance for any works outside of these hours.

17. Airborne dust from construction works, roads, disturbed areas, storage heaps, or machinery operating on the land must not create an environmental nuisance. Areas must be dampened, covered, compacted or otherwise treated to reduce dust emissions.
18. Any vegetation removed as part of the subdivision construction works, must not be burnt unless approval has been obtained from Councils Environmental Health Officer.

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT**Legal**

- The permit does not take effect until 15 days after the date that this permit was served on you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the Land Use Planning and Approvals Act 1993.
- This planning approval shall lapse at the expiration of two (2) years from the date on which this permit became valid, if the permit is not substantially commenced. At the discretion of the Planning Authority, the expiration date may be extended for a further two (2) years on two separate occasions for a total of six (6) years. Once lapsed, a new application will be required.

Asset Protection

- In accordance with the *Local Highway By law 2 of 2015*, the owner is required to repair any damage to any Council infrastructure caused during construction.
- Council recommends contacting Dial-Before-You-Dig (phone 1100 or www.1100.com.au) before undertaking any works.

Other Approvals

- All stormwater management measures and designs on the endorsed plans and documents, together with any related permit condition, constitutes General Managers consent under section 14 of the *Urban Drainage Act 2013*.
- This permit does not imply that any other approval required under any other by-law or legislation has been granted.
- Separate building and plumbing approval may be required prior to the commencement of the development/use.

You may appeal against the above conditions, any such appeal must be lodged within fourteen (14) days of service of this notice to TASCAT, 38 Barrack Street Hobart 7000 Ph: (03) 6165 6790 or email resourceplanning@tascat.tas.gov.au

Executive Summary

Application is made for a three lot subdivision at 12 Clark Street, Dunalley. This property is zoned Low Density Residential and is located to the north of the centre of the town.

The key planning considerations relate to:

- the subdivision standards of the Low Density Residential Zone;
- consideration of flood risk, servicing and the associated infrastructure for driveway development;
- consideration of impacts for services within the Waterway Coastal Protection Area; and
- consideration of Bushfire risk.

The application is considered to comply with each applicable standard of the *Tasmanian Planning Scheme (Sorell LPS)* and is recommended for conditional approval.

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 includes new road assets (vehicle cross over) to be transferred to Council. Design and construction standards for these assets are considered in this report.
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 will increase demand on open space in the locality, and is assessed in accordance with the Public Open Space Policy.
Enforcement Policy	Not applicable.

Environmental Sustainability Policy	Environmental considerations are assessed against the relevant planning scheme provisions.
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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	Conditional approval recommended
Environmental Health	Yes	Yes	Yes	Conditional approval recommended
Plumbing	No			
NRM	No			
TasWater	No			
TasNetworks	No			
State Growth	No			

Report

Description of Proposal

The proposal is for a three lot residential subdivision, which includes the development of vehicle accesses, and private stormwater infrastructure to discharge to Gilpins Creek. The residential lots will be reliant on provision of an onsite wastewater system.

The subdivision has been set out with regard for the siting of future dwellings as is relevant where a site is subject to flood risk.

Use

Though subdivision is a type of development not required to be categorised into a use class, it is relevant to note the subdivision is intended for residential uses.

Development

The development consists of:

- Subdivision,
- Combined vehicle crossover (Lots 3 and 4), and single vehicle cross over for lot 2,
- Stormwater infrastructure

The application is supported by:

- Cover Letter, dated 06 October 2025, received 06 October 2025
- Site & soil evaluation report – onsite wastewater management, dated 20 January 2025, received 13 August 2025



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- Flood prone areas assessment, dated 20 November 2024, received 13 August 2025.
- Bushfire Hazard Report, dated July 2025, received 13 August 2025
- Plan of subdivision, dated October 2024, received 13 August 2025

Background

There is no background information on file relevant to the assessment of this application.

Description of Site

The site is an ordinary lot of approximately 1 hectare, sited between Clark Street and Gilpins Creek, north of Dunalley. The site is predominately cleared with remnant vegetation along the western bank of Gilpins Creek. There is an existing access in the location of the proposed access strip for Lot 4, which is intended to serve both Lots 3 and 4 by way of a right of way. The site has a slight fall to the east.

The surrounding area consists of peri urban residential allotments.

The site is un-serviced, and Clark Street is a sealed public road with limited stormwater infrastructure.

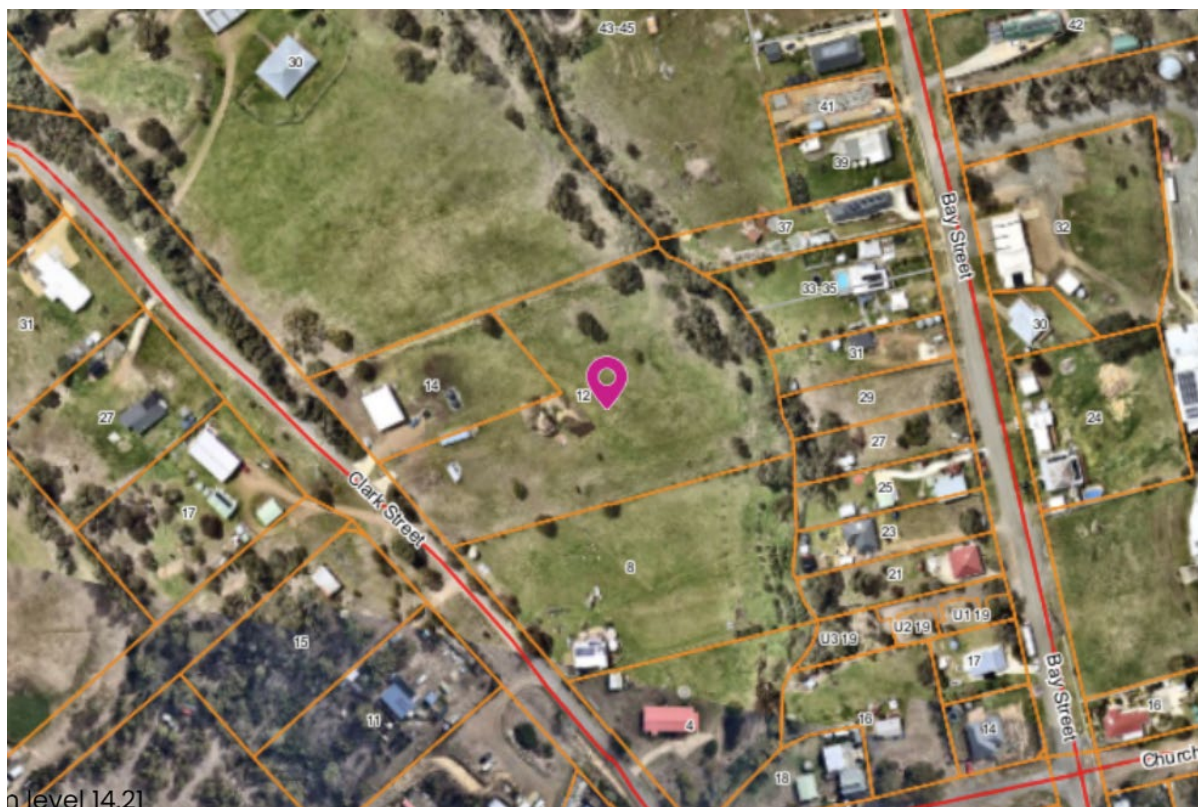


Figure 1. Subject site.

Planning Assessment

10.0 Low Density Residential Zone

As a subdivision is not required to be categorised into a use class, the use standards of the Low Density Residential Zone are not applicable. Further, as no buildings are proposed, there are no applicable development standards for dwelling or non-dwelling development.

There are however applicable development standards for subdivision as follows:

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
10.6.1 A1	Lot Design	Yes
10.6.1 A2	Lot Design	No, reliant on the performance criteria
10.6.1 A3	Lot Design	Yes - conditioned
10.6.2 A1	Roads	Yes
10.6.3 A1	Services (water)	N.A no reticulated infrastructure in the vicinity.
10.6.3 A2	Services (sewer)	No – See Performance Criteria Assessment
10.6.3 A3	Services (stormwater)	Yes - conditioned

Performance Criteria Assessment 1 – 10.6.1 Lot design (P2)

Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:

- (a) *the width of frontage proposed, if any;*
- (b) *the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;*
- (c) *the topography of the site;*
- (d) *the functionality and useability of the frontage;*
- (e) *the ability to manoeuvre vehicles on the site; and*
- (f) *the pattern of development existing on established properties in the area, and is not less than 3.6m wide.*

Lots 3 and 4 each have a 6m frontage, which provides for an access strip, and Lot 2 is an ordinary lot with a frontage of 33m (a). Lots 3 and 4 though with separate access strips providing frontage will gain access via an existing vehicle crossover. This arrangement is considered appropriate with respect to the number of users, and also



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the requirements for compliant access under the Bushfire Prone Areas code (b).

For (c) and (d) the topography does not necessitate the lot design, but the existing lot geometry with a frontage of 45m makes compliance with the Acceptable Solution improbable when realising the full potential of the site for residential development.

For (e) there is no hindrance to effective vehicle manoeuvring provided conditions of the permit are adhered to.

For (f) the pattern of development in the vicinity is broadly narrow 1500m² lots which present more as urban in form on the eastern side of Gilpins Creek, and larger lots on the western side.

Though there are few internal lots in the area, in considering the pattern of development, the lot geometry is also important. The site as a proportion of its size already has a limited frontage, making an internal lot a sensible approach to realise the residential potential of the site. Servicing constraints make higher yields with a road (for example) unfeasible.

Therefore, on balance of the lot constraints as a relevant factor for the pattern of development, and having regard for the purpose of the zone, it is considered that internal lots are entirely appropriate.

Having regard for the above and noting the access strips are not less than 3.6m, the proposal is considered to comply.

Performance Criteria Assessment 2 – 10.6.3 P2 Services

Each [lot](#), or a [lot](#) proposed in a plan of [subdivision](#), excluding for [public open space](#), a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site wastewater treatment system adequate for the future [use](#) and [development](#) of the [land](#).

The proposal is supported by a site and soil evaluation report which demonstrates that the land is capable of managing wastewater generated by future residences.

The proposal has been referred to Council's Environmental Health Officer who has provided conditions of approval.

The proposal is considered to comply.

Code

C2.0 Parking and Sustainable Transport Code

The proposal includes the development of an internal access in accordance with the recommendations of a Bushfire Hazard Report.

The development standards of the Parking and Sustainable Transport Code are therefore relevant.

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C2.6.1 A1	Construction of parking areas	No, as a gravel surface is provided.
C2.6.2 A1.1	Layout	Yes, all relevant standards are complied with under (a)
C2.6.3 A1	Accesses	Yes, a single access is provided.

Performance Criteria Assessment 3 – clause C2.6.1 P1 Construction of parking

All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:

- (a) *the nature of the use;*
- (b) *the topography of the land;*
- (c) *the drainage system available;*
- (d) *the likelihood of transporting sediment or debris from the site onto a road or public place;*
- (e) *the likelihood of generating dust; and*
- (f) *the nature of the proposed surfacing.*

A compacted gravel surface as proposed is appropriate given the sealed vehicle crossover within the road reserve will sufficiently mitigate the transfer of debris onto the public road.

The proposal has been assessed by Councils Development Engineer who has recommended conditions. Subject to recommended conditions of approval, the proposal is considered to comply.

C3.0 Road and Railway Assets Code

The proposal has been assessed by Council's Development Engineer who has provided conditions of approval related to vehicle access.

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
3.5.1 A1.1 and A1.4	Proposed and Existing	A vehicle crossing for lot 2 is able to accord with the requirements of the road authority, and conditions are imposed.

	vehicle cross over	The existing vehicle crossing for lots 3 and 4 will not be subject to additional traffic beyond the acceptable number under the Table C3.1 and so complies with A1.4.
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C7.0 Natural Assets Code

The proposal is for subdivision of land which is subject to a waterway coastal protection area.

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C7.7.1 A1	Subdivision within a waterway and coastal protection area or a future coastal refugia area	No, the proposal requires direction of stormwater to Gilpins Creek, which has a waterway coastal protection area applied to it.

Performance Criteria Assessment 4 – C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area

Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must minimise adverse impacts on natural assets, having regard to:

- (a) the need to locate building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or a future coastal refugia area; and*
- (b) future development likely to be facilitated by the subdivision*

The proposal will require stormwater discharge points to Gilpins Creek. It is entirely feasible that discharge points can be designed to creeks which can avoid impact to natural values by siting any headwall in a location that does not require vegetation removal.

Further, there are typical headwall designs with suitable aprons to prevent scouring and erosion of the stream bank. The colocation of a discharge point for Lots 3 and 4 will further reduce impacts.

It is a recommended condition of approval that engineering drawings to be submitted prior to the commencement of works show headwall

design and construction which avoids vegetation removal, and appropriately mitigates the potential for streambank scouring or erosion.

Subject to recommended conditions of approval, the proposal is considered to comply.

C12.0 Flood Prone Areas Hazard Code

The subdivision is for land which is subject to a flood prone hazard area. As such the development standards for subdivision are applicable.

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C12.7.1	Subdivision within a flood-prone hazard area	No, reliant on Performance Criteria assessment

Performance Criteria Assessment 5 – C12.7.1 Subdivision within a flood-prone hazard area

Each lot, or a lot proposed in a plan of subdivision, within a flood-prone hazard area, must not create an opportunity for use or development that cannot achieve a tolerable risk from flood, having regard to:

- (a) any increase in risk from flood for adjacent land;
- (b) the level of risk to use or development arising from an increased reliance on public infrastructure;
- (c) the need to minimise future remediation works;
- (d) any loss or substantial compromise by flood of access to the lot, on or off site;
- (e) the need to locate building areas outside the flood-prone hazard area;
- (f) any advice from a State authority, regulated entity or a council; and
- (g) the advice contained in a flood hazard report.

The proposal is supported by a flood prone areas assessment which has specific regard for the provisions of the code. Broadly, the assessment identifies areas within each lot where a dwelling may be sited without being subject to inundation (see Figure 2).

For (a), subject to recommended conditions regarding access design and onsite detention, there is no anticipated increase to risk to adjoining properties.



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For (b), (c) and (d), there is no remediation or public infrastructure required to support the subdivision. Building areas may be sited in areas where there is a negligible inundation risk, and the internal access ways can be designed to maintain overland flow.

For (e) it is feasible to locate dwellings outside of the inundation areas.

For (f) Councils development engineer has reviewed the proposal and recommended conditions of approval related to onsite detention.

For (g) the flood assessment speaks to the likely future development which may be undertaken with negligible risk subject to recommendations.

Subject to recommended conditions the proposal is considered to comply.

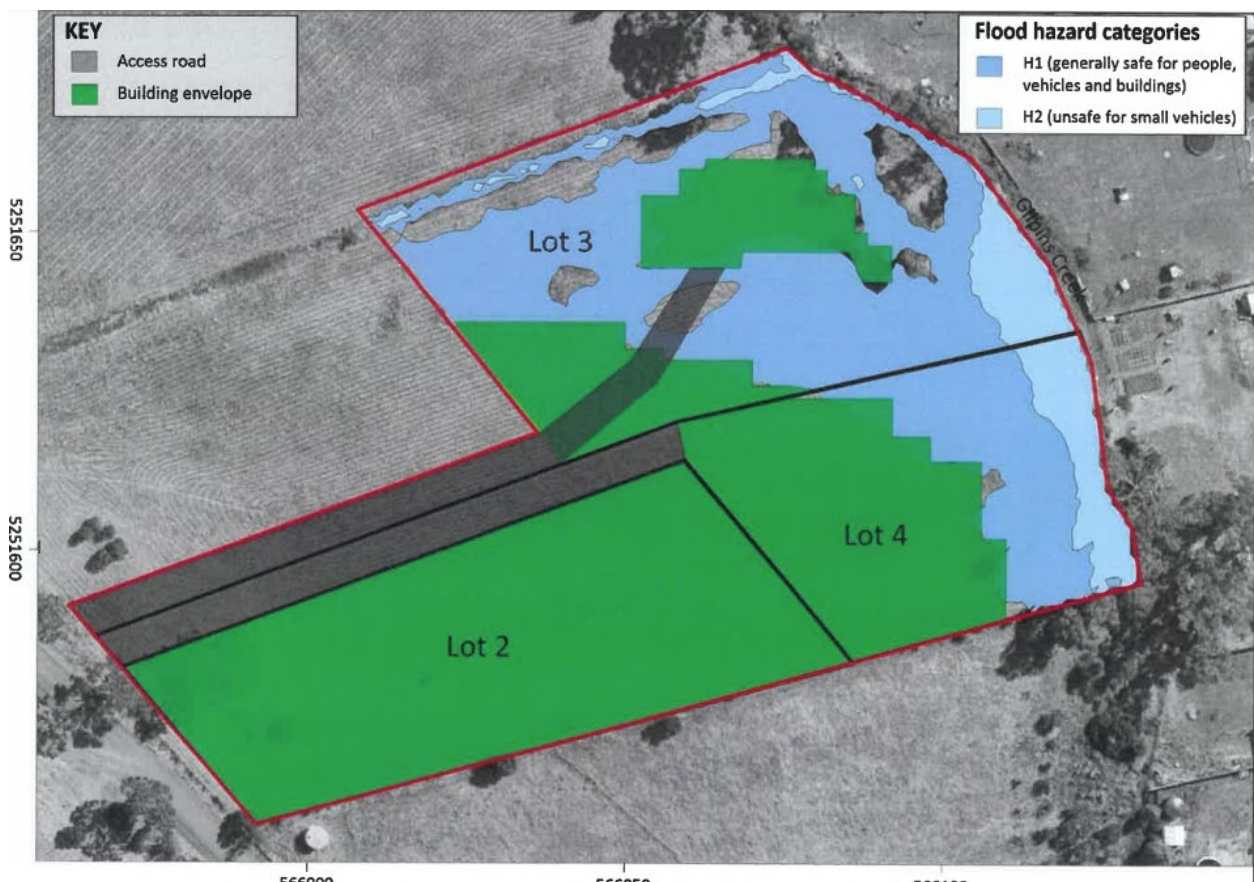


Figure 2. Building areas free of flood hazard (Flood Prone Areas Assessment – Enviro tech)

C13.0 Bushfire-Prone Areas Code

As the proposal is for subdivision, the C13.0 Bushfire Prone Areas Code is an applicable code.

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C13.6.1 A1	Hazard Management Areas	Yes
C13.6.2 A1	Public and fire fighting access	Yes per (b) – conditioned
C13.6.3 A1	Provision of water supply for fire fighting purposes	Yes – static supply feasible.

The proposal complies with the code through the provision of an accredited persons bushfire hazard report, which s52(2)(d) of LUPAA requires the planning authority to accept.

Representations

Clause 6.10.1 of the planning scheme requires the consideration of any representation received but 'only insofar as each such matter is relevant to the particular discretion being exercised'.

No representations were received during the notification period.

Conclusion

The application is considered to comply with each applicable standard of the *Tasmanian Planning Scheme (Sorell LPS)* and is recommended for conditional approval.

Peter Coney
Consultant Planner

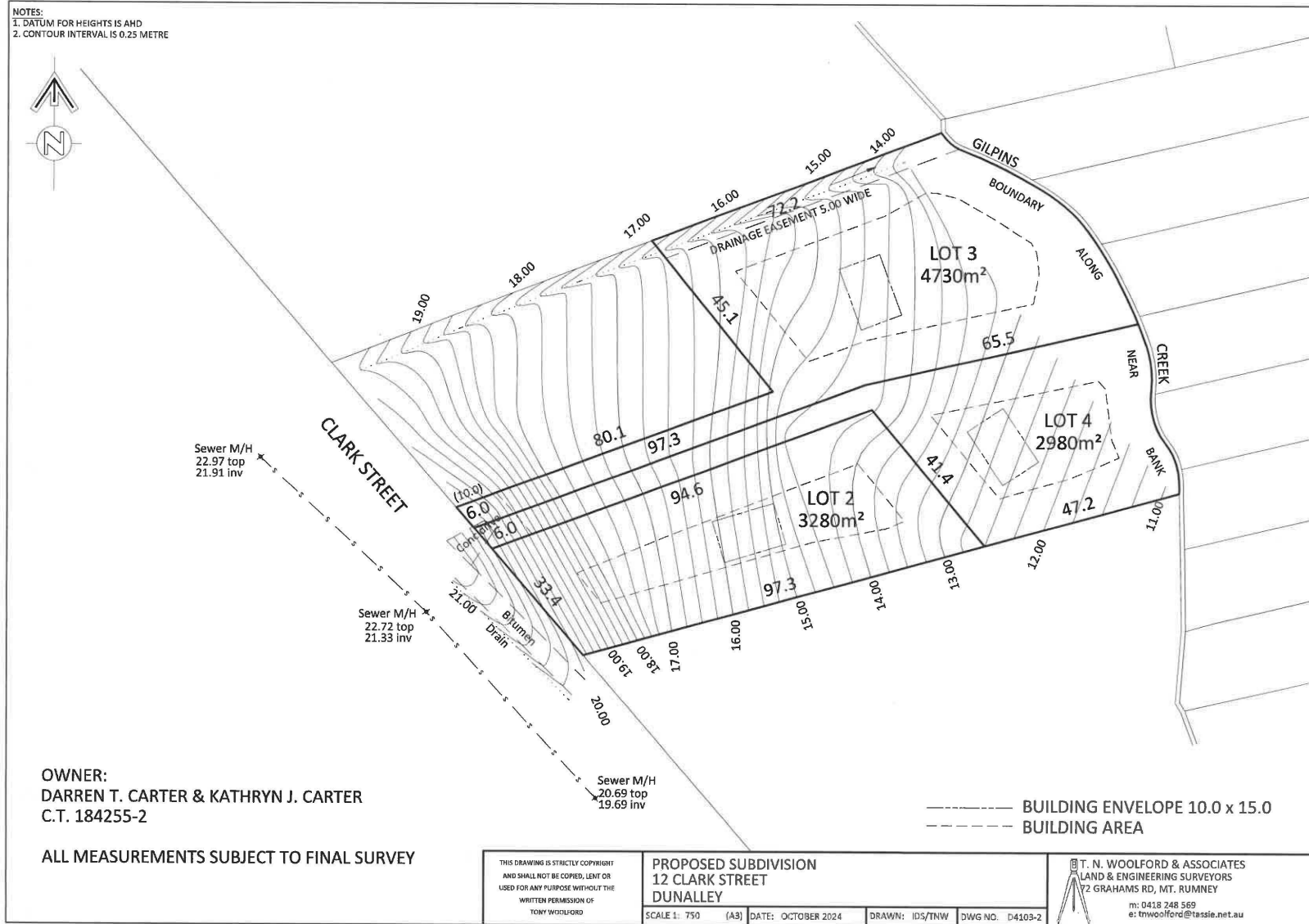
Attachments:
Proposed Subdivision Plan – D4103-2

Separate Attachments:
Certificate of Title (184255/2)
Site & Soil Evaluation Report – Onsite Wastewater Management
Flood Prone Areas Assessment
Bushfire Hazard Report



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5.2 5.2025.82.1 MULTIPLE DWELLINGS – STEWART COURT, MIDWAY POINT

Applicant:	Creative Homes Hobart
Proposal:	Eight Multiple Dwellings
Site Address:	Stewart Court, Midway Point (CT 175657/50)
Planning Scheme:	<i>Tasmanian Planning Scheme - Sorell (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:	Representations received.

Relevant Zone:	General Residential
Proposed Use:	Multiple Dwellings
Applicable Overlay(s):	Attenuation area (sewerage treatment plant) Flood-prone hazard area Dispersive soils area Airport obstacle limitation area
Applicable Codes(s):	C2.0 Parking and Sustainable Transport Code C3.0 Road and Railway Assets Code C9.0 Attenuation Code (sewerage treatment plant) C12.0 Flood-prone Areas Hazard Code C16.0 Safeguarding of Airports Code S1.0 Dispersive Soils Specific Area Plan
Valid Application Date:	7 April 2025
Decision Due:	25 November 2025
Discretion(s):	1 Clause 8.4.2 P1, P2 & P3 – setbacks and building envelope for all dwellings
	2 Clause C3.5.1 P1 – traffic generation at a vehicle crossing
	3 Clause C9.5.2 P1 – sensitive use within an attenuation area
	4 Clause SOR-S1.7.1 P1 – development on dispersive soils
Representation(s):	Three in opposition.

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 5.2025.82.1 for eight multiple dwellings at Stewart Court, Midway Point be approved, subject to the following conditions:

General

1. Except where modified by a condition of this permit, the use and development must be substantially in accordance with the endorsed plans and documents:
 - (a) P5 (building designs prepared by Creative Homes Hobart, Revision H dated 3 October 2025)
 - (b) P5 (stormwater report prepared by Aldanmark Consulting Engineers dated 1 October 2025)



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- (c) P2 (traffic impact assessment prepared by Hubble Traffic dated August 2025)
 - (d) P1 (site assessment prepared by GES Geo-Environmental Solutions dated July 2021)
2. A permanently fixed screen with a uniform transparency of no more than 25% and a minimum height of 1.7m above the finished floor level of the east-facing deck of Unit 3 must be installed. This detail must be included as part of future building permit application documentation.
 3. The waste storage area must be screened from the frontage by a wall to a height not less than 1.2m above the finished surface level of the storage area. This detail must be included as part of future building permit application documentation.
 4. Landscaping through a combination of trees, shrubs and lawn, must:
 - (a) be provided and maintained on the land to soften the appearance of, and partially screen, the bulk of buildings when viewed from Stewart Court;
 - (b) have a maximum potential height of no more than 1m within 9m of an intersection of two or more public roads;
 - (c) be described in a landscape plan submitted to the General Manager prior to the commencement of the works. If satisfactory, the landscape plan will be endorsed and will form part of the permit; and
 - (d) be implemented in accordance with the landscape plan no later than one month after the completion of works unless otherwise agreed to in writing by the General Manager.

Development Engineering

5. Prior to first occupation or commencement of use (whichever occurs first), the approved parking area including areas set aside for vehicle parking and manoeuvring must:
 - (a) be constructed in substantial accordance with the *"Proposed Site Plan"* prepared by *CREATIVE HOMES HOBART, Sheet 1 and Sheet 2*, last dated 3/10/2025;
 - (b) be constructed to the specified Reinforced Concrete Pavement standard in accordance with engineer's specification;
 - (c) be constructed with a carriageway able to achieve safe, easy & efficient circulation for B85 vehicle;
 - (d) have physical controls installed where required (i.e., Kerbs, Barriers, Wheel stops, or Other protective devices);
 - (e) have a formed concrete kerb along the length of the circulation roadway's edge where required to contain stormwater runoff;
 - (f) have all infrastructure located within (such as meter lids, grated pits, constructed to the appropriate trafficable standard; and
 - (g) have stormwater infrastructure installed where required to drain all run-off generated to a legal point of discharge such that flows are not concentrated onto adjoining properties.

6. Prior to first occupation or commencement of use (whichever occurs first), at least Eighteen (18) off-street car parking spaces shall be provided. The provision must ensure:
 - (a) pedestrian access is provided in a safe and convenient manner, including a footpath no less than 1m wide;
 - (b) all car parking spaces are at least 5.4m long and 2.4m wide with an additional 0.3m clearance from any nearby wall, fence, or other structure;
 - (c) a maximum gradient of 1 in 20 (5%) measured parallel to the angle of parking and 1 in 16 (6.25%) in any other direction;
 - (d) spaces are delineated by line marking or other clear physical means; and
 - (e) have appropriate signposting and pavement markings for reservation of visitor and resident car parking spaces.

7. Prior to first occupation or commencement of use (whichever occurs first), all stormwater run-off generated by developed site must be drained and discharged to the Public Stormwater System.

8. Prior to first occupation or commencement of use (whichever occurs first), the private stormwater system must be constructed and maintained in substantial accordance with "Stormwater Report" by ALDANMARK, project reference "23 E 99 – 24", Rev C, last dated 03/10/2025, and maintained thereafter by future owners.
Note: The design or the stormwater report does not specify the cover allowed for underground detention for 2,000L TEFCO 'Corrutank'. Developer to assess and provide information if required by contractor.

9. Prior to first use, a financial contribution for stormwater Quality Treatment of \$16,000, indexed for Hobart rate of CPI from the date of approval to the date of payment, must be paid to Council, in accordance with the Sorell Council Stormwater in New Development Policy.
Advice: Alternatively, all stormwater runoff from the development must have a provision of a minor stormwater system (i.e., on-site detention) and stormwater treatment in general accordance with the approved plans submitted to Council with accompanying documentation. Once approved, maintenance agreement for the onsite stormwater treatment system must be provided during Building/Plumbing application.

10. The developer shall be responsible for the location of all services, including Council infrastructure and other utilities.

11. During the works period, the developer shall contain all materials within the property boundaries and maintain the site so as not to cause a hazard to pedestrian or vehicular traffic.

12. Prior to first occupation or commencement of use, future owners must ensure a waste contractor is engaged to perform all waste management related activities wholly on site, and that no bins are stored or collected from the highway reservation.
13. Common water, stormwater, sewer, electrical and communication services must be installed in one location and be in the common area on any strata plan.
14. Prior to commencing works, a Soil and Water Management Plan (SWMP) must be implemented to ensure that soil and sediment does not leave the site during the construction.
15. All requirements of the TasWater Submission to Planning Authority Notice Reference TWDA 2025/00397-SOR dated 13 November 2025.

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

Legal

- The permit does not take effect until 15 days after the date that this permit was served on you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the Land Use Planning and Approvals Act 1993.
- This planning approval shall lapse at the expiration of two (2) years from the date on which this permit became valid, if the permit is not substantially commenced. At the discretion of the Planning Authority, the expiration date may be extended for a further two (2) years on two separate occasions for a total of six (6) years. Once lapsed, a new application will be required.

Asset Protection

- In accordance with the *Local Highway Bylaw 2 of 2015*, the owner is required to repair any damage to any Council infrastructure caused during construction.
 - Council recommends consulting Before You Dig Australia (BYDA) at www.byda.com.au before undertaking any works.

Other Approvals

- All stormwater management measures and designs on the endorsed plans and documents, together with any related permit condition, constitutes General Managers consent under section 14 of the *Urban Drainage Act 2013*.
- This permit does not imply that any other approval required under any other by-law or legislation has been granted.

- Separate building and plumbing approval may be required prior to the commencement of the development/use.
- It is recommended that the customer or their electrician submit an application via the TasNetworks website portal found at the following link here <https://www.tasnetworks.com.au/Connections/Connections-Hub> to establish an electricity supply connection to support this development.

You may appeal against the above conditions, any such appeal must be lodged within fourteen (14) days of service of this notice to TASCAT, 38 Barrack Street Hobart 7000 Ph: (03) 6165 6790 or email resourceplanning@tascat.tas.gov.au

Executive Summary

Application is made for eight multiple dwellings at Stewart Court, Midway Point adjoining Harback Court. This property is zoned 8.0 General Residential and is undeveloped residential land located towards the southern part of the established residential area at Midway Point.

The key planning considerations relate to:

- The proposed height of the development in the context of the prescribed building envelope, in that residential amenity must not be compromised;
- The design of the development in terms of compatibility with the streetscape, when viewed from Stewart Court;
- Traffic generation associated with the proposed development access;
- Proximity of the site to the nearby sewerage treatment plant to the northeast of the site, and any required mitigation measures; and
- The possible presence of dispersive soils within the boundaries of the site.

The application is considered to comply with each applicable standard of the *Tasmanian Planning Scheme – Sorell* and is recommended for conditional approval.

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.



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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	Environmental considerations are assessed against the relevant planning scheme provisions.

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	Nil
Environmental Health	Yes	Yes	Nil	Nil
Plumbing	Yes	Yes	Nil	Nil
NRM	No			
TasWater	Yes	Yes	Yes	SPAN to be appended to planning permit, if granted.
TasNetworks	Yes	Yes	Advice	To be included with planning permit, if granted.
State Growth	No			

Report

Description of Proposal

The proposal is for the development of eight multiple dwellings at Stewart Court, Midway Point.

Use

The development is proposed as residential development, being for multiple dwellings.

Development

The proposal is for the development of eight separate multiple dwellings, together with associated centrally located driveway and parking areas, private open space and service infrastructure.

Units 1, 2 and 3 would be located adjacent the eastern property boundary, single storey and would have the same floor plan each incorporating three bedrooms, the typical living areas and amenities, outdoor deck area and a single car garage. Units 4, 5, 6, 7 and 8 would each be two storey and also be three bedroom incorporating the same living areas and single garage.

Boundary setbacks range from 2.06m to the eastern (side) boundary, 4m from the southern (rear) boundary, 1.5m from the western (side) boundary and 3m from the frontage, being the northeastern boundary. The proposed dwelling units would be 6.99m above natural ground level at the highest point, being Unit 8 at the southern (lowest) point of the site.

A site total of 18 car parking spaces are proposed, with two visitor spaces proposed within the frontages of Harback and Stewart Courts.



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The application is supported by:

- Completed application form;
- Complete copies of the relevant certificate of title;
- Site Assessment by GES Geo-Environmental Solutions dated July 2021;
- Stormwater Report by Aldanmark Consulting Engineers dated 1 October 2025;
- Design drawings by Creative Homes Hobart, revision H dated 3 October 2025;
and
- Traffic impact assessment prepared by Hubble Traffic dated August 2025.

Description of Site

The site is comprised of a single parcel at the intersection of Harback and Stewart Courts, at Midway Point. The area of the lot is shown in Figure 1 below.



Figure 1. Subject site (SSA).



Figure 2. Subject site (Google street view).

The permit history for the site includes an application lodged under 5.2023.347.1 for the development of eight multiple dwellings on the site. No response has been received to an outstanding request for further information relating to that application. A second planning application is relevant being 5.2021.10.1 for seven multiple dwellings which was approved on 1 April 2021. The associated planning permit granted has since expired.

The site is clear of significant vegetation, has a southeasterly aspect and average gradient of approximately one in six. Adjoining land consists of residential development comprised of a combination of single and multiple dwellings, all within the General Residential Zone.

The site is serviced. Stewart Court is a sealed public road and the speed limit is set at 50km/h.

Planning Assessment

General Residential Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
8.4.1 A1	Density	Yes, as the proposed density is compliant at one dwelling unit per 344m ² .
8.4.2 A1	Setbacks and building envelope	No, as Unit 1 incorporates a low-level deck with a height of less than 1m above natural ground level within 3m of the secondary (Stewart Court) frontage. Refer to the performance criteria assessment below.
8.4.2 A2		Yes, as the proposed development does not incorporate garages within 4.5m of the primary, Harback Court, frontage.
8.4.2 A3		No, as the development does not comply with the prescribed front setback or building envelope as shown by the proposal plans in relation to Units 1, 2 and 3. Refer to the performance criteria assessment below.
8.4.3 A1	Site coverage and private open space	Yes, as the proposed site coverage would be less than 900m ² and in the order of 32% of the lot area, which complies with the 50% maximum site area permitted. The proposed open space area per dwelling unit are in excess of 60m ² which is consistent with the acceptable solution.
8.4.3 A2		Yes, as all proposed dwelling units are compliant with the minimum open space areas prescribed by the acceptable solution.
8.4.4 A1	Sunlight to private open space of multiple dwellings	Yes, as the proposed dwelling units 1, 2 and 3 are separated in excess of the 3m prescribed from the open space areas of dwelling units 4, 5, 6, 7 and 8.
8.4.5 A1	Width of openings for garages and carports	Yes, in that neither Units 1 nor 4 have garages or carports facing the frontage.
8.4.6 A1	Privacy for all dwellings	Yes, in that Units 4, 5, 6, 7 and 8 have no decks within proximity of the boundaries. Units 1 and 2 each have decks with



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		finished surface levels of less than 1m above natural ground level, meaning that no specific privacy treatments are required. Unit 3 incorporates a west-facing deck within 3m of the side boundary and a privacy screen compliant with the acceptable solution is proposed. This has been identified as a specific condition to ensure compliance.
8.4.6 A2		Yes, in that the lower levels of Units 4, 5, 6, 7 and 8 where within 3m of the side boundary would have a finished floor level of not more than 1m above natural ground level, and the upper level achieves the prescribed setback. Units 1, 2 and 3 are each compliant with the prescribed setback.
8.4.6 A3		Yes, as sufficient separation distances are provided between the proposed shared driveway areas and habitable room windows.
8.4.7 A1	Frontage fences	Yes, in that the proposed front fencing would be compliant with the exemption at Clause 4.6.3(a).
8.4.8 A1	Waste storage for multiple dwellings	Yes, as sufficient separation distances are provided and the enclosure would be appropriately screened. This is to be reinforced by condition.

Performance Criteria Assessment 1 – Clause 8.4.2 P1 Setbacks and building envelope for all dwellings

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

The proposal incorporates a low level deck associated with Unit 1 that is within the 3m prescribed front setback from Stewart Court. This deck would have a finished level of 965mm above natural ground level and would have negligible impact when viewed from Stewart Court in that landscaping is proposed within the frontage to soften the visual impact of the proposed development. In any event, there are a number of examples of similar setbacks within proximity of the site, meaning the proposal demonstrates compatibility with the streetscape. It is therefore considered that the performance criteria are satisfied.

Performance Criteria Assessment 2 – Clause 8.4.2 P3 Setbacks and building envelope for all dwellings

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 development demonstrates that it would not cause an unreasonable loss of amenity in the context of overshadowing, in that diagrams to demonstrate the likely impact upon solar access were provided as part of the application. The diagrams show that whilst there would be an impact on land to the south at in the morning at 4, 6 and 8 Harback Court and 7 Timber Mill Court, this impact is limited to the morning only. Being that in excess of three hours of sunlight would be provided to this land, the test of "reasonableness" in terms of overshadowing is met by the proposal.

The proposal incorporates construction materials of a style consistent with more recently developed dwellings in proximity of the site, and the proposed heights are of a scale not considered to be incompatible with the surrounds with include a combination of single and two-storey dwellings. The proposed setback distances are consistent with the ranging setbacks in proximity of the site, and there are no solar installations nearby that would be compromised. It is considered that the performance criteria is satisfied.

Code

Parking and Sustainable Transport Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C2.5.1 A1	Parking numbers	Yes, as the prescribed 18 spaces are provided.
C2.6.1 A1	Construction	Yes, as the proposed driveway and parking areas would be constructed using an all-weather pavement.
C2.6.2 A1.1	Layout	Yes, all relevant standards are complied with
C2.6.3 A1	Accesses	Yes, a single access is provided.

Road and Railway Assets Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C3.5.1 A1.4	Traffic generation at a vehicular crossing	No, in that the proposal is for the development of 8 dwelling units and it is taken that each dwelling unit would generate 10 vehicle movements per day. An increase in vehicular movements beyond the prescribed 20% or 40 movements per day will therefore occur. Refer to the performance criteria assessment below.
C3.5.1 A1.5		Yes, in that vehicles will be able to enter and exit the site in a forward direction as prescribed by the acceptable solution.

Performance Criteria Assessment 3 – C3.5.1 P1 Traffic generation at a vehicle crossing, level crossing or new junction

Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:

- (a) any increase in traffic caused by the use;
- (b) the nature of the traffic generated by the use;
- (c) the nature of the road;
- (d) the speed limit and traffic flow of the road;
- (e) any alternative access to a road;
- (f) the need for the use;
- (g) any traffic impact assessment; and
- (h) any advice received from the rail or road authority.

A traffic impact assessment (TIA) was submitted in support of the proposed development, which concludes that the amount of traffic generated by the development would be low, and that there is sufficient capacity within the road network to absorb such movement numbers without adverse impact.

The TIA concludes that there would be no loss of efficiency, and that the sight distances are appropriate for the proposed use. Waste collection from the proposed waste storage area has been assessed and is considered appropriate, and appropriate conditions would exist for access for emergency vehicles. It is considered that the performance criteria is satisfied.

Attenuation Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C9.5.2 A1	Sensitive use within an attenuation area	No, in that there is no acceptable solution and the site is within the attenuation area of a sewerage treatment plant to the northeast of the site. Refer to the performance criteria assessment below.

Performance Criteria Assessment 4 – C9.5.2 P1 Sensitive use within an attenuation area

Sensitive use within an attenuation area, must not interfere with or constrain an existing activity listed in Tables C9.1 or C9.2, having regard to:

- (a) the nature of the activity with potential to cause emissions including:
 - (i) operational characteristics of the activity;
 - (ii) scale and intensity of the activity; and
 - (iii) degree of hazard or pollution that may be emitted from the activity;
- (b) the nature of the sensitive use;
- (c) the extent of encroachment by the sensitive use into the attenuation area;

- (d) measures in the design, layout and construction of the development for the sensitive use to eliminate, mitigate or manage effects of emissions of the activity;
- (e) any advice from the Director, Environment Protection Authority; and
- (f) any advice from the Director of Mines.

The proposed development site is located within 300m of an existing sewerage treatment plant to the northeast of the site, but is within an established residential area at Midway Point and separate by established residential development at Stewart Court and Lake Vue Parade from the plant. There is limited history of conflict between the plant and nearby residential use, and no evidence that the proposal would interfere in any way with the existing attenuating activity. Importantly, TasWater raise no issue. No specific measures to manage conflict are considered necessary on that basis, and it is considered that the performance criteria is satisfied.

Flood-prone Areas Hazard Code

The code applies to a small area at the south of the site, which is not proposed for development. The only works proposed in this space would be landscaping, meaning that the exemption at Clause C12.4.1(c) would apply.

Safeguarding of Airports Code

The site is within an obstacle limitation area with a specified height limit of 62m. The proposal would not exceed this height limit and is therefore exempt by Clause C16.4.1(a).

Dispersive Soils Specific Area Plan

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
SOR-S1.7.1 A1	Development on dispersive soils	No, in that the proposed development area would exceed the 100m ² prescribed by the acceptable solution. Refer to the performance criteria assessment below.

Performance Criteria Assessment 5 – P1 Development on 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.

A site assessment has been provided for the site, which although prepared in 2021 remains relevant in that site conditions have not been altered since that time. The assessment concludes that with specific recommendations including appropriate soil and water management measures during the construction phase together with the provision of adequate drainage on site, that risk associated with dispersive soils if present would be minimised. An associated condition has been included to ensure that the appropriate soil and water management plan is created. It is considered that the performance criteria is satisfied.

Representations

Clause 6.10.1 of the planning scheme requires the consideration of any representation received but 'only insofar as each such matter is relevant to the particular discretion being exercised'.

Three representations have been received, which are addressed in the following table:

Issue	Relevant Clause	Response
Density of development and overdevelopment of the site	Clause 8.4.1	Consideration of density of development is relevant at Clause 8.4.1 (A1), which prescribes that development must have a site area of not less than 325m² per dwelling. The proposed development would have a density of one dwelling unit per 344m², which complies with the acceptable solution. The proposal cannot be refused on the basis of density.
Setbacks, building envelope, amenity, character and separation distances	Clause 8.4.3	The representations raise the failure of the proposal to comply with the building envelope standards are grounds for refusal of the application. Separation between dwellings, it is submitted, would compromise solar access and ventilation, and do not represent "good" design. Additional concerns relating to overshadowing, visual bulk and inconsistency with the character of the area are also raised as concerns. The requirements of Clause 8.4.3 are addressed above, and it is considered that the tests described by Clause 8.4.3 P3 are met.
Privacy	Clause 8.4.6	The representations raise concern that privacy of adjacent residential land would

		be lost, both in terms of outdoor and indoor living areas. The proposal satisfies the acceptable solutions of the Scheme relating to privacy, meaning that this issue is not of determining weight.
Private open space and site coverage	Clauses 8.4.3 & 8.4.4	Lack of private open space is raised as a concern, in that it is submitted that the areas proposed are insufficient to provide for amenity of occupants. The proposal provides the minimum open space areas prescribed by the Scheme. As such, there is no mechanism for Council to require that any additional open space be provided for the development.
Parking and access, and risk of repurposing of garages	Clause C2.5.1 & Clause C2.6.1	Concern is raised that the proposal does not incorporate sufficient parking, and that this would further affect an existing on-street parking shortfall. The proposal includes the 18 spaces prescribed by the Parking and Sustainable Transport Code. The Scheme considers this number to be appropriate, and does not justify refusal. A second concern is raised that the garage spaces in each dwelling would be converted to storage areas and would further compound a perceived parking shortfall. This is not a relevant consideration under the Scheme at this time and there is nothing to suggest that future owners would do so. Should a future owner wish to do so however planning and building approvals would likely be required and the issue would be addressed if at that time in the appropriate manner.
Inaccuracy of address	N/A	Whilst the concerns of the representations are acknowledged, this is not a relevant matter under the Scheme. Nor is the concern valid. The lot has not been given an address. As such, the public notice for the application described the site as "Land west of 1 Stewart Court, Midway Point with Access from Harback Court (CT 175657/50). Thus, the site was clearly and fully described.
Age of supporting documentation	N/A	Concern is raised that a supporting assessment from a previous development

		application was provided in support of this application that refers to there being only seven units proposed. The assessment referenced is a site assessment, which though makes a reference to the previous development, is relating to site conditions that have been unaltered since the report was authored. This issue is therefore not of relevance in determining the current proposal.
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Conclusion

The application is considered to comply with each applicable standard of the Tasmanian Planning Scheme - Sorell and is recommended for conditional approval.

Kate Guinane
Senior Planner

Separate Attachments:

Site Assessment by GES Geo-Environmental Solutions dated July 2021.

Stormwater Report by Aldanmark Consulting Engineers dated 1 October 2025.

Design drawings by Creative Homes Hobart, revision H dated 3 October 2025.

Traffic impact assessment prepared by Hubble Traffic dated August 2025.

TasWater Submission to Planning Authority Notice dated 13 November 2025.

Representations X3