



# SORELL PLANNING AUTHORITY (SPA) AGENDA

29 AUGUST 2023

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, 29 August 2023 commencing at 4:30 pm.

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## 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  
24 August 2023



## AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE HELD AT THE  
COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON  
TUESDAY 29 AUGUST 2023

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## 1.0 ATTENDANCE

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

## 2.0 APOLOGIES

Councillor M Brown – approved leave of absence

## 3.0 CONFIRMATION OF THE MINUTES OF 1 AUGUST 2023

### RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 1 August 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 2022 / 226 - 1

<b>Applicant:</b>	Taylor & Beeson Building Pty Ltd
<b>Proposal:</b>	Resource Processing - Distillery including works within Craigs Hill Road Reserve
<b>Site Address:</b>	55 Craigs Hill Road, Boomer Bay (CT 122640/1)
<b>Planning Scheme:</b>	<i>Tasmanian Planning Scheme - Sorell</i>
<b>Application Status</b>	Discretionary
<b>Relevant Legislation:</b>	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
<b>Reason for SPA meeting:</b>	More than one representation received.

<b>Relevant Zone:</b>	Agriculture Zone
<b>Proposed Use:</b>	Resource Processing
<b>Applicable Overlay(s):</b>	Bushfire-Prone Area
<b>Applicable Codes(s):</b>	Parking and Sustainable Transport, Road and Railway Assets
<b>Valid Application Date:</b>	14 July 2023
<b>Decision Due:</b>	30 August 2023
<b>Discretion(s):</b>	1 Discretionary use
	2 Discretionary use
	3 Bicycle parking numbers
	4 Traffic generation
<b>Representation(s):</b>	Twelve

#### RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 7.2022.226.1 for a Resource Processing - Distillery including works within Craigs Hill Road Reserve at 55 Craigs Hill Road, Boomer Bay be approved, subject to the following conditions:

Planning:

1. Development shall generally be in accordance with the endorsed plans submitted on 5 September 2022 except as may be amended by the conditions of this permit.
2. Onsite wastewater and stormwater management systems must not be located within the landslide risk hazard overlay.



#### Development Engineering:

3. Prior to any works commencing within the road reservation, a Vehicular Crossing and Associated Works Application (available on Council's website) must be submitted with an associated permit granted for the works.
4. Prior to first use, Craigs Hill Road must be widened in accordance with the endorsed traffic impact assessment with compliant width, surface treatment, drainage, and sight distance.
5. Prior to first use, sight benching works at the junction of Bay Road and Craigs Hill Road must be completed in accordance with the endorsed traffic impact assessment.
6. Vegetation removal associated with condition 4 must, wherever possible, occur on the northern side of the carriageway. Trees to be removed must be marked on site by the developer and subsequently agreed to in writing by the Manager Planning before works commence.
7. Prior to any works commencing on site, design drawings (prepared by a suitably qualified person) detailing the design and layout of parking areas, loading bays, road widening and sight benching must be submitted for approval by the Council Development Engineer.  
  
Advice: A suitably qualified person (or consultancy) is a designer with an appropriate level of recognised civil engineering experience and the required professional indemnity insurance.
8. Prior to commencement of use, the parking area including off-street car parking and commercial vehicle facilities, as defined by AS/NZS 2890.1:2004 and AS 2890.2 – 2002, must:
  - a) be constructed in substantial accordance with the Council stamped design drawings;
  - b) be constructed with a durable all-weather pavement (i.e., rigid or flexible pavement design where appropriate) that is designed, constructed, and maintained to an appropriate standard;
  - c) be constructed with a carriageway suitable for the maximum vehicular dimensions and loading likely;
  - d) be drained to a Lawful Point of Discharge or Council approved alternative (i.e., acceptably retained or disposed on site) such that stormwater run-off is not conveyed onto adjoining properties; and
  - e) have physical controls installed where appropriate, such as Kerbs, Barriers, Wheel stops, or Other protective devices as defined by AS/NZS 2890.1:2004.

9. Prior to first use, off-street car parking spaces shall be provided on site generally in accordance with the endorsed plans, with:
  - a) Pedestrian access provided in a safe and convenient manner;
  - b) eight (8) car parking spaces dedicated for employee parking consistent with the endorsed traffic impact assessment;
  - c) twenty (20) car parking spaces dedicated for car parking;
  - d) all external car parking spaces being at least 5.4m long and 2.6m wide with an additional 0.3m clearance from any nearby wall, fence, or other structure;
  - e) having 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;
  - f) be delineated by line marking or other clear physical means; and
  - g) have appropriate signposting for, entry to parking area, reservation for employee parking, and informing of (commercial vehicle) service/turning area(s).
10. Prior to first use, at least one (1) off-street parking spaces for people with disabilities shall be provided as part of the approved parking area, and constructed in accordance with AS/NZS 2890.1:2006, with:
  - a) a footpath not less than 1.5m and a gradient not steeper than 1 in 14 to the main entry point of the building;
  - b) appropriate signposting including, direction and reservation for parking spaces for people with disabilities;
  - c) a sealed surface (pavement wearing course) for the angle parking spaces; and
  - d) be delineated with line marking and other clear means, as required.
11. Prior to first use, at least one (1) motorcycle parking space shall be provided as part of the approved parking area, and constructed in accordance with AS/NZS 2890.1:2004 – 2.4.7.
12. Prior to first use, all works determined as required by this permit shall be performed and completed by the developer, at the developer's cost and expense, to a standard that is to the absolute satisfaction of Council's General Manager.

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

- 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 permit does not imply that any other approval required under any other legislation or by-law has been granted.

- 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.
- Any changes to the use or development approved, may be deemed as substantially in accordance with the permit or may first require either a formal amendment to this permit or a new permit.

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](mailto:resourceplanning@tascat.tas.gov.au)

### Executive Summary

Application is made for a Resource Processing - Distillery including works within Craigs Hill Road Reserve at 55 Craigs Hill Road, Boomer Bay. This property is zoned Agriculture and is located at the end of Craigs Hill Road.

The key planning considerations relate to traffic generation.

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 will increase traffic along Craigs Hill Road and the application includes the widening of the road in section to enable two-way traffic movement.
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.
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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 a 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	Yes	Nil
Plumbing	Yes	Yes	Nil	
NRM	Yes	Yes	Nil	
TasWater	No			
TasNetworks	Yes	Nil		
State Growth	No			

## Report

### Description of Proposal

Application is made for a new building to be used for a distillery, cellar door and restaurant. The distillery and cellar door will be relocated from an existing building on the same site. The proposed structure occupies a 30m x 31.5m footprint with a building height of approximately 7.5m. The structure includes a 30m x 14.3m distillery, a 16m x 8m bar and restaurant as well as kitchen, tasting, toilet, office, deck and outdoor bar. Wall and roof cladding is sheet metal with a vertical profile in Monument (dark charcoal).

Works are located towards the top of a local ridgeline at the edge of an existing clearing.

A new driveway is proposed from an existing driveway which leads to a car parking area west of the new structure. The driveway and car park have a concrete surface with a total of 19 spaces inclusive of one accessibility space and two service vehicle spaces.

Proposed hours are 10am to 5pm seven days a week for the restaurant and 7am to 5pm for the distillery. Staff numbers are to increase from 6 full-time to 15 full-time and from 3 part-time to 5 part-time.

The application is supported by:

- Geo-environmental site assessment prepared by GES dated July 2022 which details the wastewater management system requirements for the use.
- Landslide risk assessment prepared by GES dated October 2022. The landslide assessment is based on an earlier design which had a substantial cut to the site and deemed this to satisfy the scheme requirements. The final location is not within the landslide risk hazard overlay.
- Natural values assessment prepared by enviro-dynamics dated October 2022 and considers that the thinning of some trees and clearing of the

understorey that is necessary for bushfire risk reduction will have a minimal impact to a non-threatened vegetation community.

- Traffic Impact Assessment prepared by Hubble Traffic dated June 2023.

#### *Traffic impact assessment*

Through the assessment process, Council's development engineer discussed with the proponent various traffic related matters including sight distances, one-way sections of Craigs Hill Road, the gravel surface and proximity to residential lots and various iterations of the TIA were provided.

The final TIA sets out that the proponent will widen sections of Craigs Hill Road to achieve a consistent 5.5m minimum width and undertake sight benching at the intersection with Bay Road.

The TIA is summarised as follow.

- Existing trip generation due to the existing distillery, farm and dwelling is 42 vehicles a day.
- Traffic generation, rather than being based on the urban based Road Traffic Authority (RTA) Guide to Traffic Generating Developments, is compared to the nearby Bangor development. The development has noticeable peaks between 11am and 2pm and across weekends.
- The expected traffic generation is 72 trips per day during the peak season and 38 trips during off-peak. 15 trips per hour are projected during the peaking season for each hour between 11am and 2pm. A further ten trips per day are expected for staff and six for deliveries. Total trips are expected to increase from 42 to 130 during peak season and from 42 to 92 off-peak. The new traffic generation is expected to occur outside of the peak periods associated with existing traffic generation from the site.
- The proposed parking of 36 spaces exceeds the requirement for 28 spaces in the planning scheme.
- Craigs Hill Road is characterised as a rural road of variable width that is sealed for the first 15 metres. The initial 250m section is 5.5m wide allowing two-way traffic. The final 300m section narrows below 5.5m in sections due to roadside vegetation.
- Existing traffic along Craigs Hill Road is generated by traffic from the site (as noted previously), 16 small residential properties, two larger residential properties and an existing logistics firm. The TIA considers that these users 100 daily vehicle trips with 20 of these during AM and PM peaks.
- Table 7.0 from the TIA, reproduced below, compares the effect of the development on traffic compared to existing conditions.
- The TIA describes the RTA environment capacity which is one objective means to consider the volume of traffic above which residential amenity is impacted. The RTA guideline indicates that a local road can accommodate 200 vehicles per hour without impact residential amenity. This is for urban environment characterised by sealed roads, footpaths and residential density.

- The TIA does compare existing Peak Hour traffic generation as shown in Table 7.1 of the TIA reproduced below, and are similar in percentage terms to the findings in Table 7.0.
- The existing junction of Craigs Hill Road and Bay Road is generally adequate for the proposal with some benching and vegetation removal to occur in order to increase sight distance (refer photo 9.0D).
- The proponent is to widen sections of Craigs Hill Road to a consistent 5.5m width which will require the removal of roadside vegetation, such as those shown in Photo 10.0A.

The TIA also includes an assessment against the relevant performance criteria in the Road and Railway Assets Code and the Parking and Sustainable Transport Code. The assessment is supported.

### Description of Site

The site is a large rural lot containing existing agricultural uses, farm buildings and a dwelling. The majority of the site is cleared with some pockets of native vegetation retained for weather protection. The development footprint is contained to the high point of the lot at a 100m contour and above the steepest part of the site (to the east) which has a 1 in 4.5 slope. The lot is within the Agriculture Zone. Land to the east is in the Rural Zone. Council owned land to the south is zoned Utilities. Landscape Conservation Zone land comprises of the Pelican Place residential area is to the south-east. Several small low density residential lots are further to the south.

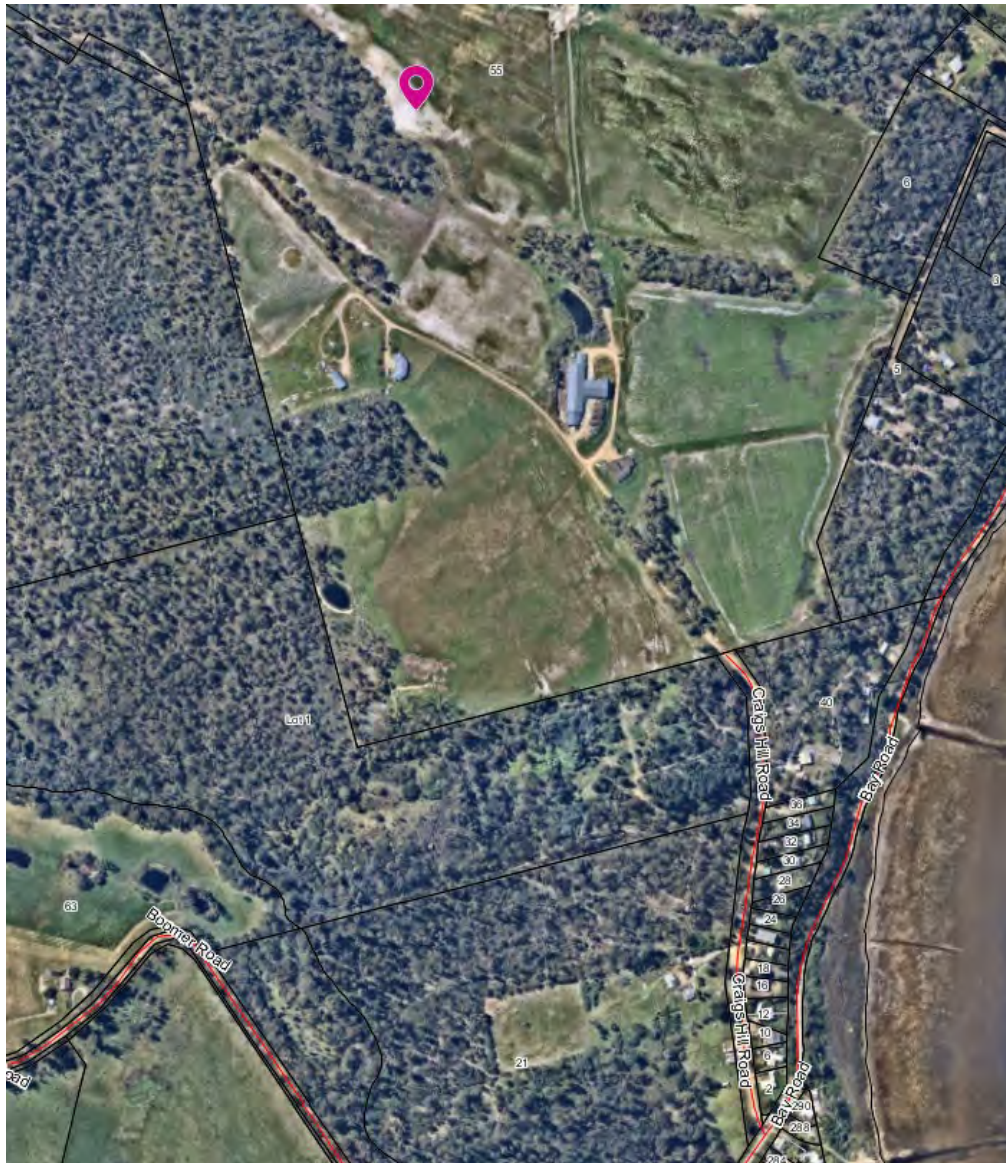


Figure 1. Subject site.





Figure 2. Zone.

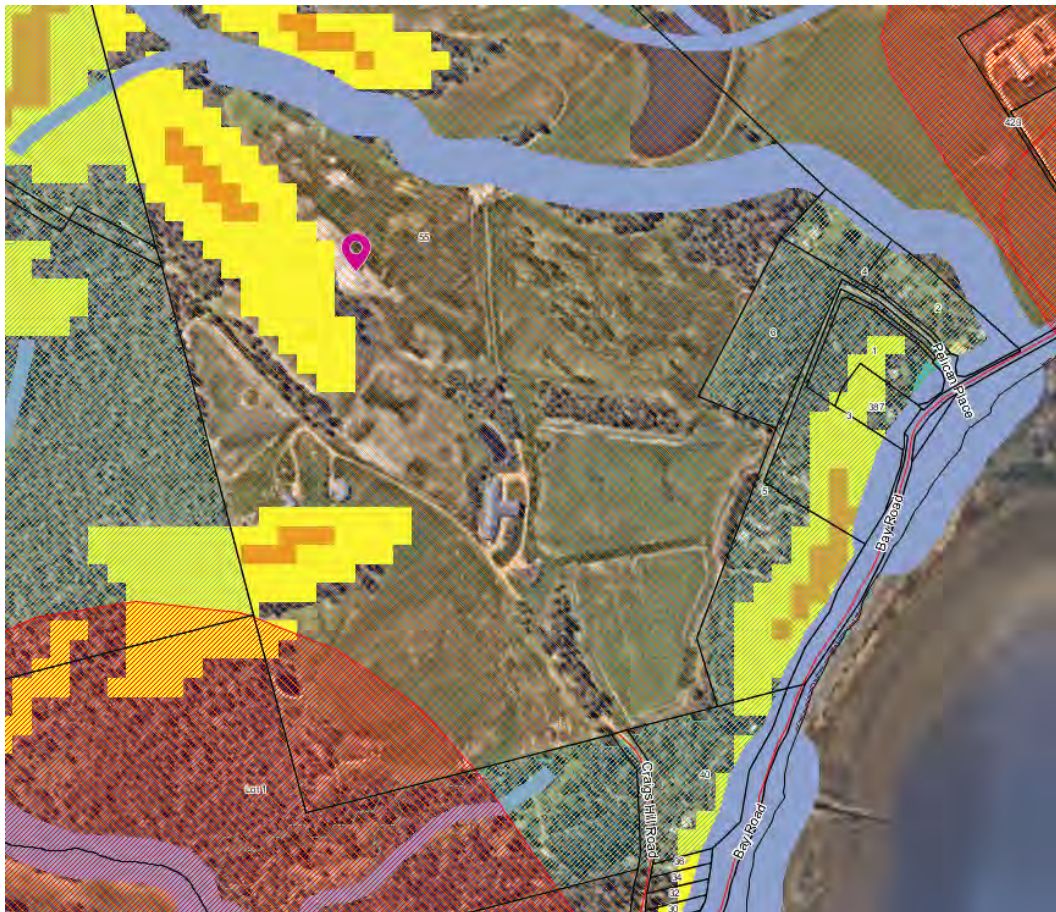


Figure 3. Overlays (bushfire, landslide, waterways)





Figure 4. Development Site.



Figure 5. Outlook

## Planning Assessment

The use is classified into the resource processing use class, which is discretionary in the zone. The best-fit use class for the proposal is that of a winery and which encompasses production, retail and food service components.

### Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
21.3.1 A1	Use	No, as no acceptable solution provided. Refer to performance criteria assessment below.
21.3.1 A2	No	No, as no acceptable solution provided. Refer to performance criteria assessment below.
21.4.1 A1	Height	Yes, as the height is less than 12m.
21.4.2 A1	Setback	Yes, as the setbacks are more than 5m.
21.4.2 A12	Sensitive Use Setback	Not applicable as the use is not a sensitive use.

### Performance Criteria Assessment 1 – Clause 21.3.1 P1 Discretionary Use

*A use listed as Discretionary, excluding Residential or Resource Development, must be required to locate on the site, for operational or security reasons or the need to contain or minimise impacts arising from the operation such as noise, dust, hours of operation or traffic movements, having regard to:*

- (a) access to a specific naturally occurring resource on the site or on land in the vicinity of the site;*
- (b) access to infrastructure only available on the site or on land in the vicinity of the site;*
- (c) access to a product or material related to an agricultural use;*
- (d) service or support for an agricultural use on the site or on land in the vicinity of the site;*
- (e) the diversification or value adding of an agricultural use on the site or in the vicinity of the site; and*
- (f) provision of essential Emergency Services or Utilities.*

The use is required to be on the site due to operational reasons associated with the processing of potatoes grown on the property. The restaurant and cellar door and directly associated with the processing and value-add to products grown on the property.

### Performance Criteria Assessment 2 – Clause 21.3.1 P2 Discretionary Use

*A use listed as Discretionary, excluding Residential, must minimise the conversion of agricultural land to non-agricultural use, having regard to:*

- (a) the area of land being converted to non-agricultural use;*



- (b) whether the use precludes the land from being returned to an agricultural use;
- (c) whether the use confines or restrains existing or potential agricultural use on the site or adjoining sites.

The conversion of agricultural land is minimal having regard to the ridgeline location of the structure which is separated from productive areas through topography. The use is well separated from adjoining agricultural uses and will have no adverse effect on agricultural potential on adjoining land.

## Code

### Parking and Sustainable Transport Code

Applicable code standards		
Clause	Matter	Complies with acceptable solution?
C2.5.1 A1	Parking numbers	Yes, as more than 2 spaces per 3 employees is provided.
C2.5.2 A1	Bicycle parking numbers	No, as no bicycle parking is proposed. Refer to performance criteria assessment below.
C2.6.1 A1	Construction	Yes, all spaces have a concrete surface.
C2.6.2 A1	Layout	Yes, as the layout is compliant (although one space will need to be removed adjacent to the accessibility space).
C2.6.3 A1	Accesses	Yes, as one access only is proposed.
C2.6.5 A1	Pedestrian access	Yes as a pathway is provided from the car park.

### Performance Criteria Assessment 3 – Clause C2.5.2 P1 Bicycle parking numbers

*Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to:*

- (a) *the likely number of users of the site and their opportunities and likely need to travel by bicycle; and*
- (b) *the availability and accessibility of existing and any planned parking facilities for bicycles in the surrounding area.*

Bicycle parking is unlikely to be commonly required. Ad-hoc parking can be accommodated onsite.

## Road and Railway Assets Code

Applicable code standards		
Clause	Matter	Complies with acceptable solution?
C3.5.1 A4	Traffic generation	No, as more than 40 vehicle movements per day are generated.

### Performance Criteria Assessment 4 – Clause C3.5.1 P4 Traffic generation

*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.*

With respect to the performance criteria:

- The use will generate a significant increase in traffic proportional to the existing.
- The bulk of traffic is private vehicles with some heavy vehicle movements. A transport depot operates from Craigs Hill Road and larger vehicles are common.
- Craigs Hill Road is narrow in sections and has a gravel surface and a TIA recommends that the road be widened at the developers expense.
- The widening, along with benching works at the intersection, will improve the safety of the road and enable the safe movement of vehicles.
- The possibility of providing a sealed carriageway is considered cost prohibitive. A contribution to sealing is a possibility but one that would require Council to also contribute which would be inconsistent with the long term financial plan and transport asset management plan.
- A sealed carriageway would improve the amenity for users and residents nearby with only a minimal improvement to traffic safety. Issues of dust are inherent where dwellings are located in close proximity to a road and require management by nearby residents irrespective of the number of traffic movement.
- The need for the use on the site is established and there are no practical alternatives accesses.

It is considered that the performance criteria is satisfied.

## 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.

## 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'.

Twelve representations have been received, which are addressed in the following table.

Issue	Relevant Clause	Response
Dust nuisance including contamination of roof runoff. Road should be sealed. Or water purification devices provided to owners. Or reticulated water provided.	Nil	The impact of dust to amenity or health is not a consideration under the Rural Resource Zone or the Road and Railway Assets Code. This matter is instead considered through asset management plans.
An alternative access road should be provided	Nil	Alternatives are beyond the scope of the assessment and cannot be considered. However, an alternative from Bay Road would be at significant cost and impact the agricultural operations, the extent to which has not been assessed.
Speed limit of 50km/hr to Craigs Hill Road is supported for dust reduction and safety purposes.	Nil	The recommendation is a general one and is not necessary to achieve compliance with other TIA recommendations. It is beyond the scope of this assessment to require this and it would require a separate resolution of Council.
Do not support widening of Craigs Hill Road. Do support removal of trees where essential.	E5.5.1 P2	Noted
Blind crest in photo 6.2 of TIA needs to be addressed	E5.5.1 P2	Noted
Can trees on the eastern side of Craigs Hill Road be retained as	E5.5.1 P2	This may be possible. The recommended conditions require a detailed design to be submitted with a preference to maintain trees on

these offer wind protection and visual separation. Powerlines are also on the western side.		the eastern side. A mandatory requirement to maintain trees on the eastern side is not considered appropriate as the necessary engineering design drawings are not available to verify the practicalities of this.
Will toilets be provided in the Council owned land along Boomer Bay	Nil	No, and not relevant to the application.
"How does council plan to stop any trespassing onto neighbouring properties?"	Nil	No details are provided. This is a police matter in any event.
"Will there be any sort of monitoring in the area to prevent or deter any criminal activity?"	Nil	A police matter.
Littering	Nil	Litter Act applies.

### Conclusion

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

### Shane Wells MANAGER PLANNING

Attachments:  
Proposal Plans  
Representations x 12

*Separate attachments:*  
*Traffic Impact Assessment*  
*Natural Values Assessment*  
*Site Assessment*  
*Landslide Assessment*



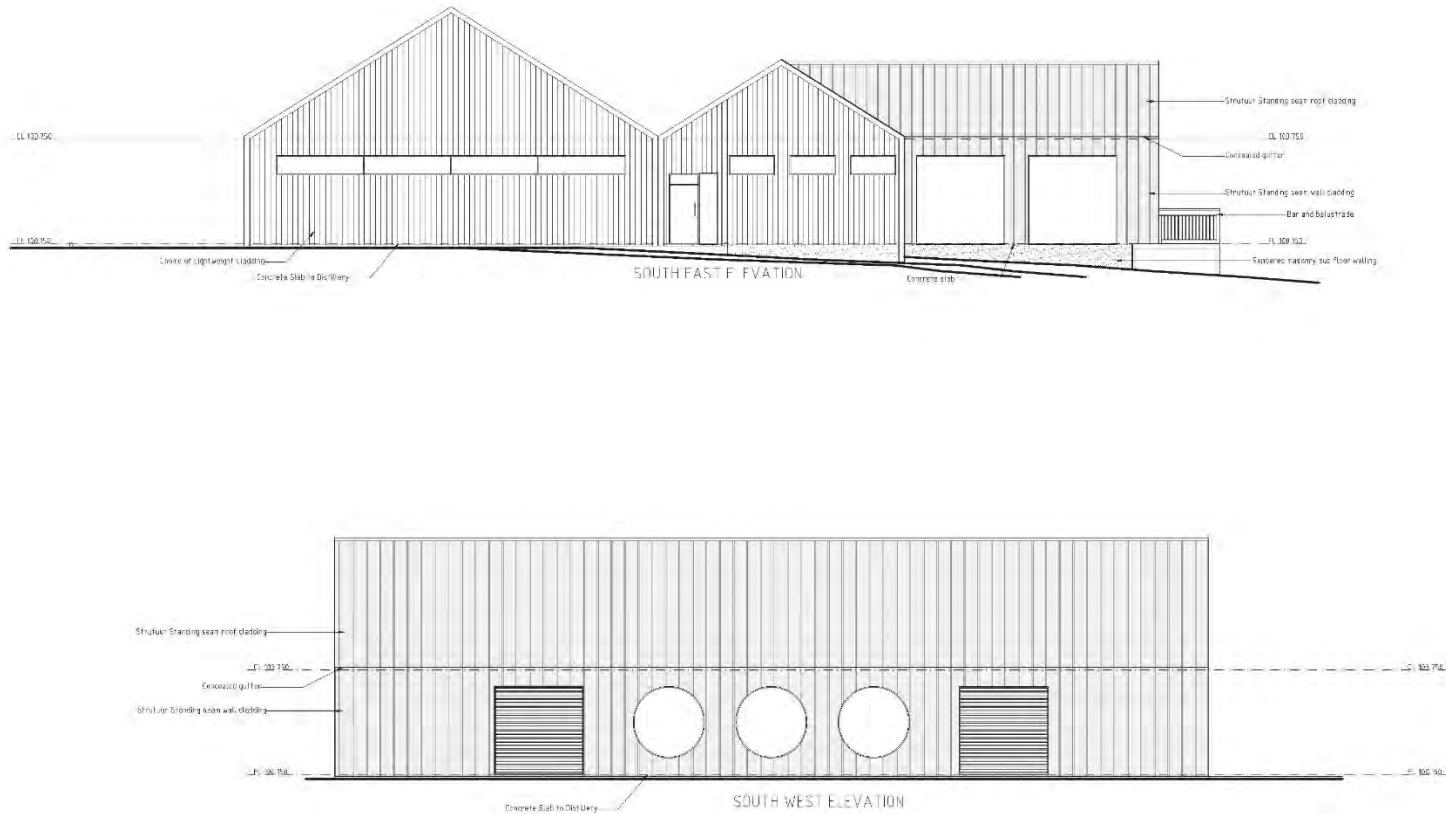
AGENDA  
SORELL PLANNING AUTHORITY (SPA) MEETING  
29 AUGUST 2023







**AGENDA**  
**SORELL PLANNING AUTHORITY (SPA) MEETING**  
**29 AUGUST 2023**



DEVELOPMENT DRAWINGS ONLY  
NOT FOR CONSTRUCTION

PROPOSED ELEVATIONS FOR  
SUBMITTAL ONLY AT  
55 CRAIG HILL RD, DOUGHERTY

ELEVATIONS

SCALE 1:100

DATE

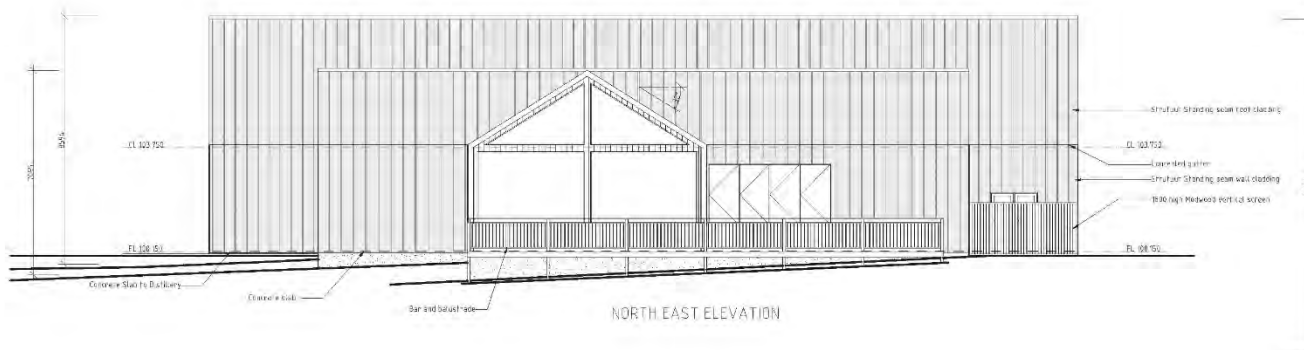
DATE  
12/07/2022

DESIGNED BY  
mtd - 416/17/2022

APPROVED BY  
06/07/2022

APPROVED BY  
06/07/2022





ELEVATIONS		DATE 12/07/2022	DRAWN BY matt - matt@hvacacademy.com phone - 410-603-67-987	
SCALE: 1/8" = 1'-0"	APPROVED 12/10/2022	DRAWING NO. 01-09-07	Approved by: BAC2620M © copyright 2019	222

The General Manager  
Sorell Council – Attention Planning Dept.

Representation on DA 2022 / 226  
55 Craigs Hill Rd Boomer Bay 7188

I'm writing to make a representation regarding the Development Application.

I have a property at \_\_\_\_\_ and the issues are with regard to traffic and the access road.

While I support the general principle that the owner should be able to develop his business on his property, the level of traffic will be considerably increased over the traffic level now and this is a considerable increase over the amount of traffic when we originally purchased the property. Craigs Hill Rd is a dead end and this development would see the bulk of the traffic on the road travelling to and from this development.

Comparison to the Bangor is relevant to the traffic generated, but it is different because in this case the access road goes past some residential properties, where Bangor access does not.

The Council may decide that the road access may need to be improved or a new access required.

## 1. Quantity of traffic – alternative access consideration

The quantity of traffic on the access road – Craigs Hill Rd has been raised as an issue for the development and I agree with the text in the traffic report - this is an issue for us.

- The road prior to developments used to be very quiet with barely any traffic (in 2004).
- On the original development DA 2004/217 for a potato washing shed, I believe the council officers suggested a new access road be put in on the basis of safety issues relating to 3 extra truck movements a day.
- I understand that a new access road was proposed by council officers for the DA 2004/217. Can this alternative be investigated again given the proposed peak of 72 x 2 additional traffic movements since the Distillery and Cellar Door were approved and 230 x 2 way peak daily traffic movements in this Development Application DA2022/226.
  - Breakdown of 230 trips is: 130 peak for this development – section 4.3; and 100 for other use – section 6.2 of the traffic report.
- I agree that the estimated traffic movements in section 6.2 of the traffic report should be used as the manual traffic survey (section 6.4 of the traffic report) has been underestimated, due to many traffic movements occurring outside the 8:30 to 12:30 time block of the study.
- In addition, there is a proposal for “Craigs Hill Bushland Reserve” which will generate more traffic.

## 2. Speed Limits

Can some consideration be given to reducing the speed limit on Craigs Hill Rd?

- The traffic report in this DA suggests the speed limit is the default 80kmh and some traffic approaches this speed
- The Council approved an amendment on the DA 2004/217 to request that the speed limit be set to 50kmh, which never happened
- Extract 7.1 in the traffic report “RTA Guide – Residential environmental standards” suggests a 40kmh limit for a local street.
- There is a blind crest on a corner outside 18 Craigs Hill Rd and as the traffic report indicates, people on gravel roads prefer to use the central portion of the road. People unfamiliar with the road may approach at the speed limit and be unaware the road turns and that oncoming traffic cannot be seen.
- Some children play near the street
- There is a proposal for Craigs Hill Bushland Reserve which will generate turning traffic and pedestrians
- Up to half the road near the proposed bushland reserve is frequently under water near 40 Craigs Hill Rd. The inundation occurs on a corner and near another crest in the road. If approached at 80kmh, this is hazardous
- There was a crash between a horse and a vehicle in 2022. I don't know if the vehicle's speed was an issue.
- The intersection with Bay Rd is in a residential area and has a 80kmh speed limit. Should the residential area be recognised with a 50kmh limit?

### 3. Road widening and tree removal

If the road is to be widened, can the trees on the eastern side be left in place and trees at the western side be removed for 3 reasons:

- The trees on the eastern side of the road give wind protection to the properties to the east and some visual separation from the increased traffic
- The power lines are on the western side of the road and the risk of trees falling on the power wires on that side would be an issue for all the residents.
- There is more room on the road easement to the west side which leads me to suggest that the road should be widened on that side.

Ref Photograph 6.1.B from the traffic report

Please leave the trees on the east side and remove any trees from the west side – circled in red.





#### 4. Need for road widening over a corner on a blind crest

- There is a blind crest on a corner that can be seen from Photo 6.2 and circled in red below
- The road is narrow at this point causing a traffic hazard. The increase in traffic will be drivers who are not familiar to the area, increasing the risk. Drivers tend to use the centre of a gravel road increasing the risk.
- There are young children living in some of the surrounding houses and some play near the road.
- Trucks often travel on the road and visibility of oncoming traffic is reduced near the crest of the hill.
- Cars often cut the corner or run wide increasing the risk of a head on crash
- I understand an animal died after a crash with a vehicle below the bus and truck parking area in 2022.
- Truck, buses and trailers are often across the road when accessing parking or driveways and at 80kmh, the braking distance on a gravel road from the 2 crests may not be enough to avoid a crash.
- The speed limit is the default 80kmh which should be reduced.
- The road needs to be widened on the western side.

Ref photo 6.2 from the traffic report. Hill crest above the truck and bus parking area



## 5. Issues with road dust

The dust from the gravel road is considerable during dry periods

- Additional traffic movement will increase the dust created – a new estimate of 230 x 2 traffic movements per day at peak times
- The proposed Craigs Hill Bushland Reserve would generate
- Some vehicles appear to travel at near the 80kmh speed limit which causes a lot of dust
- Semi trailers and heavy vehicles travel on the road and they create a lot of dust even at low speed
- An amount of the dust finds its way into our water collection
- The speed limit should be reduced to reduce dust
- Sealing the road would be an option that would reduce the dust significantly and I would encourage that.

## 6. Visibility at the intersection of Bay Rd and Craigs Hill Rd

The traffic report indicated that the combination of a speed limit and benching of the bank on the corner in bay road to the north of the Craigs Hill Rd. Both factors. Cars do travel on Bay Rd around the corner from the north at near 80kmh, especially of the end of the working day 3pm to 4.30pm.

Benching of the embankment and a lower speed limit would assist in reducing the risk of a crash. I have encountered cars approaching from the north after a right turn from Craigs Hill rd to Bay Rd has been commenced and the driver on Bay Rd has had to brake. Semi trailers, buses and heavy vehicles turn left and right from Craigs Hill Rd.



Photograph 9.0D – Possible benching of embankment to increase sight distance



## 7. Summary

The proposed development will generate significantly increased traffic and a proposed Craigs Hill Bushland Reserve will generate an additional unknown amount.

My assumption is that the Council will more than likely approve the development and with that assumption my request is:

- Can the council please investigate alternative access to the site as was originally recommended by Council Officers?
- If Craigs Hill road is to be used, can it please be sealed to reduce dust?
- Can tree removal and road widening be done on the western side of the street?
- Can the road design of the blind corner on the crest near #18 be revised?
- Can residential speed limits be introduced for safety, dust reduction and noise reduction?



**From:** [nc-reply=www.sorell.tas.gov.au@mailgun.sorell.tas.gov.au](mailto:nc-reply=www.sorell.tas.gov.au@mailgun.sorell.tas.gov.au) on behalf of [Sorell Council](#)  
**To:** [Sorell Council](#)  
**Subject:** New submission from Contact  
**Date:** Monday, 31 July 2023 5:16:44 PM

Name

Email

Phone

Enquiry Type

Planning

Message

I have a couple of concerns regarding the plans on Craigs Hill Road, Boomer Bay

The Walking Park & The Proposed Restaurant.

\* Will there be toilet facilities available in the park area????

\* How does council plan to stop any trespassing onto neighboring properties????

\*Will there be any sort of monitoring in the area to prevent or deter any criminal activity????

\*Litter Control???

while I have no objections to the developments, the extra traffic will bring more hazards to the local children & livestock in the area as well as more road dust in our tanks.

\*So, will council seal the road if this all goes ahead???

OR

\*Provide each household a water purification device to add to each tank???

OR

\*Bring town water all the way down & hook us up, so we do not have to worry about dust in our tanks.

While on the case of tank water

Council forbids the use of tank water to give to customers in the local businesses, however it is fine for us to drink, I myself find this amusing. ☐

so, to recap, my main points are.

Security

Waste Management

Road Safety

Public Health



30 July 2023

General Manager  
Sorell Council  
[sorell.council@sorell.tas.gov.au](mailto:sorell.council@sorell.tas.gov.au)

Dear General Manager

**Application No: DA 2022/226 – 1**

We write in relation to the proposed development at 55 Craigs Hill Rd, Boomer Bay. On p19 of the Traffic Impact Assessment the consultants conclude the proposed development will create a 62% increase in traffic volume on Craigs Hill Rd. This is a significant increase in traffic that will have an impact on safety, noise and dust. As such we include the following points in this representation to Council:

**1. Speed limits**

As mentioned at p35 on the Traffic Impact Assessment, it is recommended that Council should install a 50km/h sign. We would argue given the number of crests and blind corners reducing visibility on the road and the number young families residing on the road, that this should be signposted and reduced to 40km/h at the beginning of Craigs Hill Rd.

We also support the suggestion that Council should lower the speed limit from 80km/h to 60km/h along Bay Road due to the increased traffic as identified in the Traffic Impact Assessment. Reduced speed limits will increase overall road safety.

**2. Dust control**

Traffic on unsealed roads causes dust. It's already a significant problem for the people who live close by and a problem for the environment. This dust caused by traffic can:

- Land on roofs and contaminate drinking water
- Cover gardens and household property
- Add sediment into stormwater
- Cause health problems for people with breathing disorders
- Make it harder for drivers to see.

Because of this we are asking for implementation of suppressants to mitigate the effect on the environment and the neighbours through sealing the road.

Whilst we support regional development and the proposed development at 55 Craigs Hill Road, our support is conditional on the road being sealed. We don't believe that the residents of Craigs Hill Road should endure a reduced living amenity through the increase of traffic, noise and dust just so the development proceeds.

If the road is sealed as part of the development, we would fully support this proposal.

Kind regards



Your Ref: DA 2022/226-1

General Manager  
Sorell Council  
SORELL 7172  
Dear Sir/Madam

PLANNING APPLICATION FOR DISTILLERY AT 55 CRAIGS HILL ROAD, BOOMER BAY

We are the owners of the property at \_\_\_\_\_ at which we have \_\_\_\_\_ and wish to make a representation in relation to this proposal.

1. Dust nuisance from the gravel road. For about 12 years we have not been able to use water captured from the roof for domestic purposes as it is contaminated with dust generated by road traffic on Craigs Hill Road. Dust also rapidly accumulates on window sills and outdoor furniture. The peak period for the traffic generated by the proposed development will be in the dry summer months when the road is at its dustiest. The sealing of Craig's Hill Road would be a solution to this problem.
2. Speed limit on Craigs Hill Road. The independent traffic consultant has recommended the installation of a 50km/h speed limit sign at the beginning of Craigs Hill Road. We strongly support this and suggest that a similar sign is erected at the end of Craigs Hill Road for traffic that exiting the proposed development.
3. Proposal to widen of Craigs Hill Road. We do not support this proposal. The Hubble Traffic Impact Assessment indicates on page 17 that there was only one accident reported in Craigs Hill Road during the last 5 years and that was 50 metres from Bay Road where Craigs Hill Road has a trafficable road width averaging 5.5 metre wide. There were no accidents reported at the narrower parts of the road. We suggest that the narrowing of the road can, in fact, have a calming effect on traffic and with appropriate signage to indicate where narrowing occurs this will not be a safety issue. Further, as it is proposed that the restaurant will only operate during daylight hours it would not be expected that any extra traffic will be generated after dark. The trees should only be removed if it can be established that their removal is essential. We note that the developer has offered to remove trees and widen the road. If this is approved it should be done with the close supervision of the council after consultation with local residents to ensure that no trees are unnecessarily removed.

Yours Sincerely



**From:**  
**To:** [Sorell Council](#)  
**Subject:** APPLICATION NO: DA 2022 / 226 - 1 - submission  
**Date:** Monday, 31 July 2023 10:28:11 AM

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To whom it may concern

I write regarding the above application. While I am supportive of the further development of the area, I am concerned that the traffic report regarding the development underestimates and/or misrepresents the impact of the development on the traffic infrastructure in the area.

Hellfire Bluff Distillery is located on Craigs Hill Road, which can be accessed from the Arthur Highway via Marion Bay Road, Boomer Road and/or Bay Road. However, the signage for the Distillery is only located on Boomer Road, effectively funnelling the majority of traffic to the Distillery via that gravel road. The turn off to Boomer Road from the Arthur Highway has no separate turn in capacity and requires traffic to slow down significantly to navigate the turn off onto a gravel road. An increase in tourist traffic (the largest target market for the development) is likely to increase the risk of accidents on this busy stretch of road unless such a turnout facility is included (or addressed in the application).

Boomer Road itself is subject to damage from water runoff and is frequently graded throughout the year as a result. While the surface of the road is likely to be significantly impacted by an increase in traffic the nature of the road and current wear and tear is not satisfactorily addressed by the traffic report. Absence a change to the signage for the Distillery on Marion Bay and Bay Roads (which may reduce the load on Boomer Road) a development of this nature (including increased truck traffic related to production and distribution as a result of the revitalised distillery) should also consider the need for a road surface that is able to withstand additional traffic and requires less maintenance than the current road.

The traffic report also assumes that the impact of the development on Craigs Hill road will be minimal, given that the existing residential traffic will not coincide with the opening hours of the new development and that any increase in traffic for the expanded operation will be minimal. Once again, this traffic report fails to adequately take the existing infrastructure into account in its assessment. Craigs Hill Road is a narrow, virtually dead end street, and it is generous to say that it can accommodate two way traffic. Any increase on this road will be noticeable by residents and will have a noticeable impact on the road infrastructure of the gravel road. Again, commercial developments of this nature (which are aimed at increasing visitor numbers) should be required to contribute towards infrastructure upgrades commiserate with their impact.

Thank you for the opportunity to make a submission on this development.

Kind regards

**From:**  
**To:** [Sorell Council](#)  
**Subject:** Response to proposed development on Craigs Hill Road  
**Date:** Monday, 31 July 2023 8:41:59 AM

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Dear Rober Higgins, Sorell General Manager,

I am writing to you regarding the proposal for 55 Craigs Hill Road and concerns we have on the impact to residents of Craigs Hill regarding increased traffic.

The traffic report outlines significant increases, however it measures their impact against urban standards that wouldn't be made for unsealed roads, as well as comparing it to rural standards that might not be reflective of a densely populated roadway - and as such we feel that these measures of impact (where 200 trips a day are considered impactful) are not representative of the situation on Craigs Hill.

At no point in the report is there a consideration of dust and pollutants from traffic conditions. The issue is already a problem for residents, compounded by the fact that some traffic is heavy vehicles and as such generate greater dust, especially in summer when the road is extra dry.

The dust coming from the road visibly coats cars, houses and trees, and besides from being a fine dust, a problem from asthma etc., this dust will also have within it pollutants from exhaust and other chemicals from the farm etc. All of which are ending up in the water tanks of residents along the road.

We are very supportive of the current operations at 55 Craigs Hill and the proposed expansion, but it is the responsibility of Council to ensure the Health and Safety of its rate payers and currently this has been overlooked in the current planning and use of this road and the future works.

The speed limit needs to be signed at least twice along the road as there are many families and pet owners who walk and use the road to access recreational areas and current traffic users are often confused and in excess of 50-60km per hour, especially when leaving 55 Craigs Hill.

For an area where residents have to rely solely on tank water and the prevailing wind and road shape/slope means that dust generated blows from the top of the road used onto roofs below, I would like to see a proper assessment of dust in summer and throughout the entire use cycle of the road, including those heavy vehicles in the early morning, as well as sampling to determine levels of contaminants.

Furthermore, we would appreciate the traffic monitoring devices to be used on our road, as the black strips to get accurate readings of traffic trips have not be used on this road in the last 8 years as far as we know.

We would also appreciate the Council to consider dust mitigation strategies for this road, the most obvious of which is sealing the road or even sections of the road, such as the hilled middle section where a lot of the dust seems to be generated due to slope, speed and breaking of vehicles. But also to consider other control methods, such as oiling the road etc. none of which are currently in practice on Craigs Hill.

Thank you and kind regards,

**From:** [no-reply-www.sorell.tas.gov.au@mailgun.sorell.tas.gov.au](mailto:no-reply-www.sorell.tas.gov.au@mailgun.sorell.tas.gov.au) on behalf of [Sorell Council](#)  
**To:** [Sorell Council](#)  
**Subject:** New submission from Contact  
**Date:** Sunday, 30 July 2023 3:03:03 PM

---

Name

Email

Phone

Enquiry Type

Planning

Is your enquiry related to a particular address?

Yes

Address related to your enquiry

55 Craigs Hill Road  
Boomer Bay, Tasmania 7177  
Australia  
[Map It](#)

Message

Attention Planning,

I am wanting to address the dust from Craigs Hill road, landing on my vehicles, roof top and then going into my tanks. With the Restaurant going ahead,(if it does) this will certainly increase the problem we have making the dust much more of a concern. Also with the proposed park/reserve that may be going ahead, this will definately increase the vehicle volume on this road.

We would like it to be sealed please.

**From:** [no-reply=www.sorell.tas.gov.au@mailgun.sorell.tas.gov.au](mailto:no-reply=www.sorell.tas.gov.au@mailgun.sorell.tas.gov.au) on behalf of [Sorell Council](#)  
**To:** [Sorell Council](#)  
**Subject:** Doc 674343 New submission from Craigs Hill Bushland Reserve Feedback Form  
**Date:** Sunday, 30 July 2023 8:15:00 PM

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Name (optional)

Email (optional)

Phone (optional)

Please tell us your thoughts for Craigs Hill changing to a Public Reserve

GOOD IDEA FOR THE reserve BBQ areas would be appreciated along with craig's hill road being sealed due to the extra traffic and perhaps a good look into the field of view on the road coming over the last high section going to the distillery ie trucks coming FROM the distillery cannot see another vehicle until he is at the crest of the road this also applies to private vehicles I am quite happy to discuss this matter with your inspectors Regards





**From:** [no-reply=www.sorell.tas.gov.au@mailgun.sorell.tas.gov.au](mailto:no-reply=www.sorell.tas.gov.au@mailgun.sorell.tas.gov.au) on behalf of [Sorell Council](#)  
**To:** [Sorell Council](#)  
**Subject:** New submission from Contact  
**Date:** Sunday, 30 July 2023 2:58:24 PM

---

Name

Email

Phone

Enquiry Type

General

Is your enquiry related to a particular address?

Yes

Address related to your enquiry

55 craigs hill road  
55 craigs hill road  
Hobart Tasmania  
Australia  
[Map It](#)

Message

Attn planning

As there is a restaurant going to be built at 55 craigs hill, and the park that is going to be built, I am worried about the amount of traffic that goes up and down our road, it is going to cause so much more dirt to go into our tanks, on our cars and inside our house.

With the traffic increase there is already more dust going into our tanks thanks to the distillery, I would like to see the road sealed to stop all of the extra dirt going into our tanks and all over our property, I don't think this is too much to ask.



July 31, 2023

Dear Sorell Council General Manager,

APPLICATION NO: DA 2022 / 226 - 1

55 Craig's Hill Road Development  
& Bushland Reserve Improvements for community

We are a young family residing on Craig's Hill Road, Our children are 2 and 4, and we see ourselves here through their childhood, well into the future. There are other young families on both sides of us with the same concerns. We appreciate the improvements made to our area, but we are highly concerned about the increased traffic, safety to our children, and dust caused by the unsealed roads.

-In the traffic report, it is stated that we may see an increase of traffic of up to 70 trips per hour. We already are seeing a lot of large trucks and machinery and patrons to the distillery. The dust is all over our belongings and garden, which tells us how much is going onto our roofs, contaminating our drinking water. *Our concerns of the unsealed road were voiced last year in the attached letter.*

-Their speeds are also of much concern, especially with the blind crests, directly at our house. I would suggest a reduced speed of 40km/h for Craig's Hill Road instead of 50km/h.

**Unless the road is sealed, we do not support these developments!**

Kind Regards,

29<sup>th</sup> July 2023

To The General Manager, Sorell Council

I am submitting a representation regarding DA 2022 226 – 1 55 Craigs Hill Rd Boomer Bay

My main concern is the loss of privacy and peacefulness here in Craigs Hill Road Boomer Bay , given the projected vehicular movements of approximately 130 per day during peak seasons. This is a quiet, tranquil, dead end road with 17 residences which would be affected by the proposed influx of visitors to the new venue.

I note with interest the times given relating to the vehicular movements in Craigs Hill Road only start at 8.30 am. In fact during summer the first truck passes us at 5.00 am , and 6.00 am after daylight savings. Also worthy of note are the workers on the farm who seem to start at 7.30 am, commuters and school children also fall outside the 8.30 start time.

The increase of dust from all the extra vehicles is also of some concern. There didn't seem to be any mention of sealing the road as part of this proposal. I think this would be a good idea. The proposed Craigs Hill Bushland Reserve has the potential to also generate significant traffic of unknown quantity.

It would make more sense in my opinion, for the access to the new venue to be from Bay Road or Boomer Road. This would allow us being afforded the continued serenity and relaxed lifestyle that we have all loved and appreciated all these years.

If trees have to be removed , we would prefer the trees on the western side of the road opposite our property at                      be removed and would prefer the trees on the eastern side of the road to remain.

In summing up, when we bought our property some 18 years ago, it was to the delight of knowing we had purchased a little piece of paradise, our very own quiet serene haven, in a peaceful enclave away from the crowds, and off the tourist trail. However, if the current proposal is accepted and passed by the Sorell Council, this peace and tranquility would be diminished by the increase in traffic to and from the new venue via Craigs Hill Road.

I wish the owner well in their new venture, and sincerely hope that an alternative access to the proposed venue be given due consideration (i.e. Not Craigs Hill Road).

Yours sincerely,

**From:** [no-reply=www.sorell.tas.gov.au@mailgun.sorell.tas.gov.au](mailto:no-reply=www.sorell.tas.gov.au@mailgun.sorell.tas.gov.au) on behalf of [Sorell Council](#)  
**To:** [Sorell Council](#)  
**Subject:** New submission from Contact  
**Date:** Sunday, 30 July 2023 3:12:01 PM

---

Name

Email

Phone

Enquiry Type

Planning

Is your enquiry related to a particular address?

Yes

Address related to your enquiry

55 Craigs Hill Road  
Boomer Bay, Tasmania 7177  
Australia  
[Map It](#)

Message

Attention Planning,  
It has come to my attention that a restaurant and walking park is going in at the top of Craigs Hill Road. This concerns me regarding the dust volume. It is a real problem now, so going ahead this road really should be sealed.

## 5.2

**MINOR AMENDMENT TO DEVELOPMENT APPLICATION NO. DA 2021 / 314 - 3**

<b>Applicant:</b>	The Young Group
<b>Proposal:</b>	Minor Amendment - Changes to Setbacks & Elevations
<b>Site Address:</b>	11A Gordon Street, Sorell (CT 127636/1)
<b>Relevant Legislation:</b>	Section 56 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
<b>Reason for SPA meeting:</b>	Original application determined at DASC

<b>Relevant Zone:</b>	General Business Zone
<b>Proposed Use:</b>	Multiple Dwellings
<b>Valid Application Date:</b>	01 August 2023
<b>Decision Due:</b>	29 August 2023
<b>Discretion(s):</b>	1 Nil
<b>Representation(s):</b>	N/A

**RECOMMENDATION**

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 5.2021.314.3 for a Minor Amendment (Changes to Setbacks & Elevations) at 11A Gordon Street, Sorell be approved and that a new permit be issued with the following modifications:

A: Condition 1 be replaced with the following:

1. Development shall generally be in accordance with drawings prepared by Matt Gilley (Project 1690 Revision Q 25 July 2023) except as may be amended by the conditions of this permit\*.

\*Note: This condition has been amended pursuant to Section 56 of the *Land Use Planning and Approvals Act 1993* on 31 May 2022 and 29 August 2023.

B: Condition 2 be deleted.

**Executive Summary**

Application is made for a Minor Amendment (Changes to Setbacks & Elevations) for eight unit multiple dwelling development under construction at 11A Gordon Street, Sorell. This property is in the General Business Zone and is located behind a commercial building fronting Gordon Street.

### 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 a 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	No	Nil
Environmental Health	Yes	Yes	No	Nil
Plumbing	Yes	Yes	No	Nil
NRM	No			
TasWater	No			
TasNetworks	No			
State Growth	No			

## Report

### Description of Proposal

At its meeting of 14 December 2021 Council approved eight, 2 bedroom townhouses (multiple dwellings) to the rear of 11A Gordon Street.

The site is currently occupied by a Veterinary Clinic, within the 145m<sup>2</sup> building on the Gordon Street frontage. The site is approximately 1728m<sup>2</sup> in area. Vehicular and pedestrian access is solely to Gordon Street.

The request relates to the siting of the development being 0.2m closer to the boundary and associated design changes. The request is detailed in full in the cover letter dated 27 July 2023.



The original application was subject to two representations raising issues of compatibility with businesses, overshadowing and overlooking.

### Planning Assessment

A minor amendment is assessed against Section 56 of LUPAA, which provides:

- (1) *The owner of land, or a person with the consent of the owner, may request the planning authority in writing to amend a permit which applies to that land and which is a permit issued by the planning authority.*
- (2) *The planning authority may amend the permit if it is satisfied that the amendment –*
  - (aa) *is not an amendment of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*
  - (a) *does not change the effect of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*
  - (b) *will not cause an increase in detriment to any person; and*
  - (c) *does not change the use or development for which the permit was issued other than a minor change to the description of the use or development.*

The minor amendment is submitted by the owner of the land and complies with (1). With respect to (2), clauses (aa) and (a) are not relevant.

It is considered that there is no increase in detriment to any person as there is no increase in overshadowing or overlooking to any residential development and no potential operational impact to any current business.

The nature of the changes to siting and design are only a minor change to the description of the use and development.

### Conclusion

The request is consistent with Section 56 of the *Land Use Planning & Approvals Act 1993* and is recommended for approval.

**Shane Wells**  
**MANAGER PLANNING**

Attachments:  
Minor Amendment letter  
Amended Plans





[www.theyounggroup.com.au](http://www.theyounggroup.com.au)  
[enquire@theyounggroup.com.au](mailto:enquire@theyounggroup.com.au)  
 1/6 Cessna Way, Cambridge  
 +61 (03) 6128 1002

27 July 2023

Shane Wells  
 Senior Planner  
 Sorell Council  
 47 Cole Street  
 SORELL TAS 7172

Email: [sorell.council@sorell.tas.gov.au](mailto:sorell.council@sorell.tas.gov.au)

Dear Shane

**REQUEST FOR S56 AMENDMENT – DA-2021/314-2 – 11A GORDON STREET, SORELL**

I refer to the above planning permit for 8 multiple dwellings at 11a Gordon Street, Sorell which is currently under construction.

During construction, it was discovered that the setback of Units 1 – 5 to the southern boundary of the site had been reduced by 200mm from the approved plans. As the distance is now less than 900mm, some minor changes to the southern elevation of Units 1 – 5 were required to ensure that the dwellings are compliant with the fire regulations under the Building Code of Australia.

As a result, the following changes were made to the plans:

- The building setback to the southern boundary is reduced from 900mm to 702mm;
- The windows on the southern elevation for Unit 1 & Unit 5 have been removed; and
- The bedroom windows on the eastern elevation of Unit 1 and the western elevation of Unit 5 have been replaced with a larger window, in a similar location.

It is requested that the permit be amended under Section 56 of the *Land Use Planning and Approvals Act 1993 (LUPAA)* as follows:

**1. Amend Condition 1**

Condition 1 to be amended to reflect the amended plans with changes as described above.





## 2. Delete Condition 2

Condition 2 required the window on the south facing elevation of Unit 1 to have a sill height of approximately 1500mm and a privacy screen to be added to the eastern end of the balcony for Unit 6.

The south facing window on Unit 1 is now proposed to be removed and a larger window proposed for the eastern elevation on this unit.

Screening has been added to the eastern end of the balcony for Unit 6 (as per the approved building plans).

Accordingly, this condition is no longer required and should be deleted.

### Planning Assessment

It is considered that the minor changes proposed to be plans comply with the requirements of s56 pf LUPAA as follows:

*(1) The owner of land, or a person with the consent of the owner, may request the planning authority in writing to amend a permit which applies to that land and which is a permit issued by the planning authority.*

#### **Comment:**

The site is owned by Gordon Street, Sorell Pty Ltd. Trent Young is the owner and director of both the site and The Young Group Pty Ltd.

*(2) The planning authority may amend the permit if it is satisfied that the amendment –*

*(aa) is not an amendment of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*

*(a) does not change the effect of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*

#### **Comment:**

The permit was not subject to an appeal and therefore the proposal does not conflict with this requirement.

*(b) will not cause an increase in detriment to any person; and*

#### **Comment:**

The General Business Zone has a minimum setback to side boundaries of properties which are located within the General Residential or Inner Residential Zone of 5m or half the height of the wall, whichever is greater. Therefore, this standard only applies to the adjoining residential properties at 13 Fitzroy Street and 6 & 3/8 Walker Street. The original application required





[www.theyounggroup.com.au](http://www.theyounggroup.com.au)  
[enquire@theyounggroup.com.au](mailto:enquire@theyounggroup.com.au)  
 1/6 Cessna Way, Cambridge  
 +61 (03) 6128 1002

a variation to the setback to the boundaries adjoining these properties which was considered to satisfy the relevant performance criteria.

An assessment of the impact on each of the adjoining residential properties as a result of the amended plans is as follows:

3/8 Walker Street:

The overshadowing diagrams provided for the original planning application showed that the only habitable building overshadowed by the development was 3/8 Walker Street, and that this dwelling was only impacted for approximately 2 hours in the morning on 21 June. Given that the setback to the western boundary of the site is not changing, there is no increase in the amount of overshadowing to this dwelling.

In relation to the change to the window in the western elevation of Unit 5, whilst slightly larger than originally approved, the approved setback to the boundary of 4.8m is considered to be adequate separation to ensure that the proposal will not result in a decrease in amenity.

13 Fitzroy Street:

A portion of the private outdoor area for 13 Fitzroy Street and outbuildings are impacted by the development in the morning of 21 June until approximately midday but is unaffected the remainder of the day. Even allowing for a minor increase in overshadowing caused by the reduced setback to the southern boundary, the majority of the private open space of 13 Fitzroy Street will still receive well in excess of 3 hours of sunlight on 21 June. On this basis, the amendment will not result in an increase in detriment to this property.

*(c) does not change the use or development for which the permit was issued other than a minor change to the description of the use or development.*

The changes are minor and do not change the use or development that was approved.





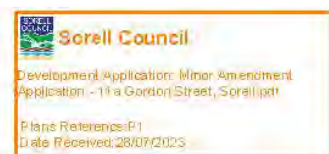
It is considered that the proposed amendments are consistent with the requirements of Section 56 of LUPAA.

If you would like further clarification or would like to discuss, please give me a call.

Kind regards



Lisa Balding  
**TOWN PLANNER**



**Seetha Gausi**  
 General Product Development - Drive New Market  
 Applications - S14, Service-Driven Services  
 Phone: 978-200-1111  
 Email: seetha.gausi@csd.com











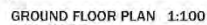
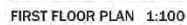
**AGENDA**  
**SORELL PLANNING AUTHORITY (SPA) MEETING**  
**29 AUGUST 2023**







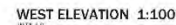
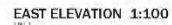
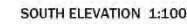
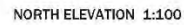


METAL ROOF SHEETING 3544  
METAL

- STAIRCASE + BALUSTRADE NOTES

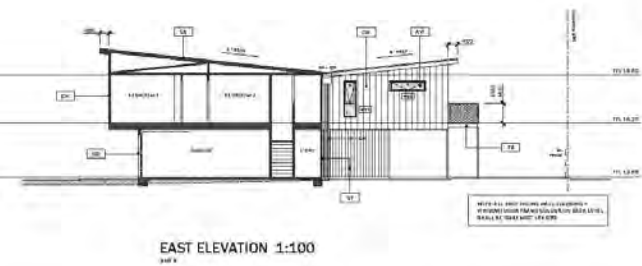
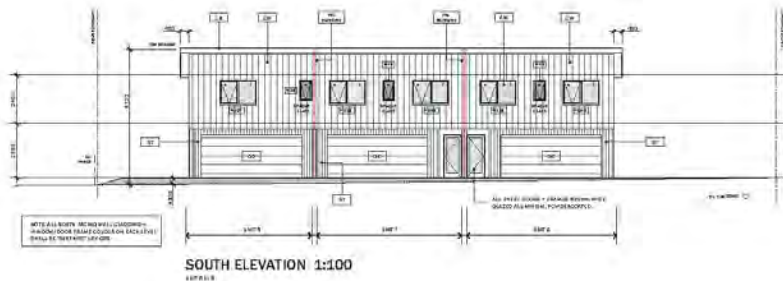
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AD



**Send Email**  
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 Message:

8 OF 28



**MATT GILLEY**  
BUILDING DESIGNER

PO BOX 114206 NEW YORK NY 10011-4206  
NEW YORK, NY 10011  
647-497-2322  
LXTHXZ WIL COBMEC

## UNIT DEVELOPMENT

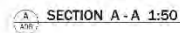
BILTA-BLADON (BET)	
SUMMARY	
FHE TOWNSHIP	
DATE:	1/1/72
PREPARED BY:	BA
CONTENTS:	
A. PRELIMINARY SCENE	9/10/2
B. PRELIMINARY SCENE	9/10/2
C. SCENE	9/10/2
D. SCENE TO WILSON (C.A.)	9/10/2
E. SCENE TO WILSON (C.A.)	9/10/2
F. SCENE	9/10/2
G. SCENE TO WILSON (C.A.)	9/10/2

EXTERIOR  
ELEVATIONS

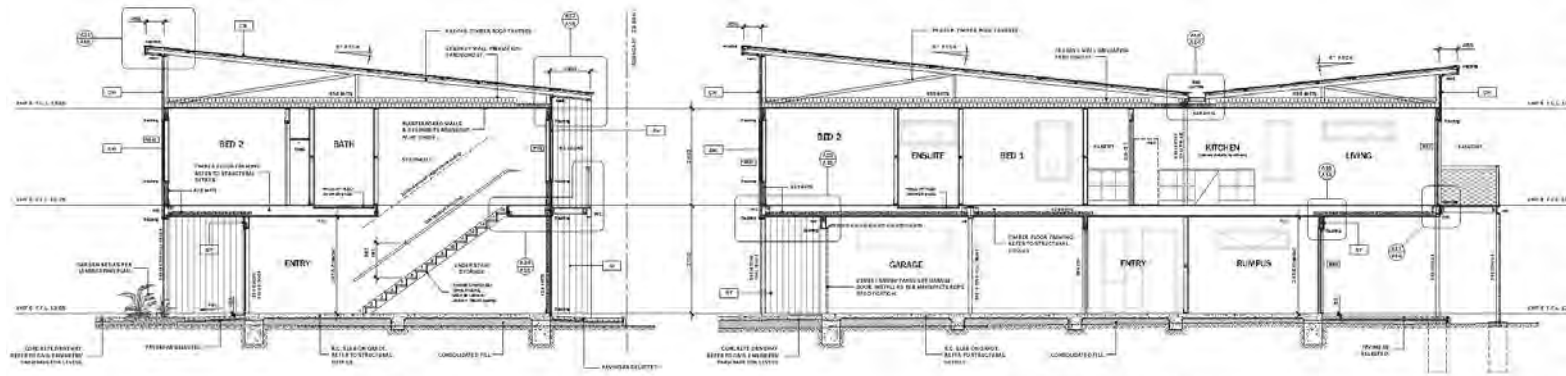
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Project A	1000
Project B	1500
Project C	2000
Project D	2500
Project E	3000
Project F	3500
Project G	4000
Project H	4500
Project I	5000
Project J	5500
Project K	6000
Project L	6500
Project M	7000
Project N	7500
Project O	8000
Project P	8500
Project Q	9000
Project R	9500
Project S	10000

A09



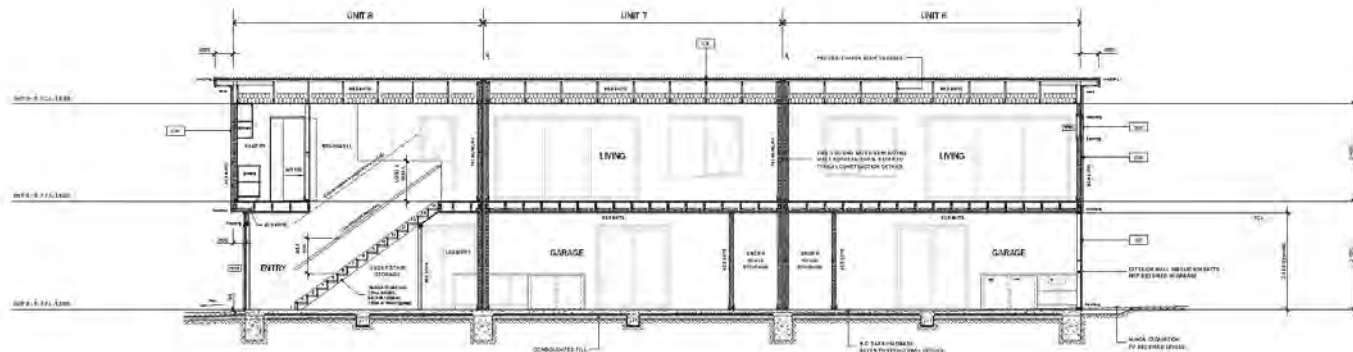


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SECTION C-C 1:50

SECTION D-D 1:50



SECTION E-E 1:50

## KEY - EXTERNAL MATERIALS

- 1. EXTERIOR WALLS: 12" CMU BLOCK WITH 1/2" GYPSUM BOARD AND 1/2" EXTERIOR FINISH.
- 2. EXTERIOR ROOF: 4" POLYSTYRENE INSULATION WITH 1/2" GYPSUM BOARD AND 1/2" EXTERIOR FINISH.
- 3. EXTERIOR FLOORING: 1/2" GYPSUM BOARD WITH 1/2" EXTERIOR FINISH.
- 4. EXTERIOR STAIRS: 1/2" GYPSUM BOARD WITH 1/2" EXTERIOR FINISH.
- 5. EXTERIOR PORCH: 1/2" GYPSUM BOARD WITH 1/2" EXTERIOR FINISH.

- 6. EXTERIOR WALLS: 12" CMU BLOCK WITH 1/2" GYPSUM BOARD AND 1/2" EXTERIOR FINISH.
- 7. EXTERIOR ROOF: 4" POLYSTYRENE INSULATION WITH 1/2" GYPSUM BOARD AND 1/2" EXTERIOR FINISH.
- 8. EXTERIOR FLOORING: 1/2" GYPSUM BOARD WITH 1/2" EXTERIOR FINISH.
- 9. EXTERIOR STAIRS: 1/2" GYPSUM BOARD WITH 1/2" EXTERIOR FINISH.
- 10. EXTERIOR PORCH: 1/2" GYPSUM BOARD WITH 1/2" EXTERIOR FINISH.

## STAIRCASE - BALUSTRADE NOTES

- 1. BALUSTRADE SHALL BE 1/2" GYPSUM BOARD WITH 1/2" EXTERIOR FINISH.
- 2. BALUSTRADE SHALL BE 1/2" GYPSUM BOARD WITH 1/2" EXTERIOR FINISH.
- 3. BALUSTRADE SHALL BE 1/2" GYPSUM BOARD WITH 1/2" EXTERIOR FINISH.
- 4. BALUSTRADE SHALL BE 1/2" GYPSUM BOARD WITH 1/2" EXTERIOR FINISH.
- 5. BALUSTRADE SHALL BE 1/2" GYPSUM BOARD WITH 1/2" EXTERIOR FINISH.

- 6. BALUSTRADE SHALL BE 1/2" GYPSUM BOARD WITH 1/2" EXTERIOR FINISH.
- 7. BALUSTRADE SHALL BE 1/2" GYPSUM BOARD WITH 1/2" EXTERIOR FINISH.
- 8. BALUSTRADE SHALL BE 1/2" GYPSUM BOARD WITH 1/2" EXTERIOR FINISH.
- 9. BALUSTRADE SHALL BE 1/2" GYPSUM BOARD WITH 1/2" EXTERIOR FINISH.
- 10. BALUSTRADE SHALL BE 1/2" GYPSUM BOARD WITH 1/2" EXTERIOR FINISH.

**MATT GILLEY**  
BUILDING DESIGNER

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## UNIT DEVELOPMENT

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## CROSS-SECTIONS

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**A11**



AGENDA  
SORELL PLANNING AUTHORITY (SPA) MEETING  
29 AUGUST 2023



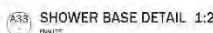
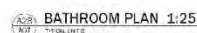








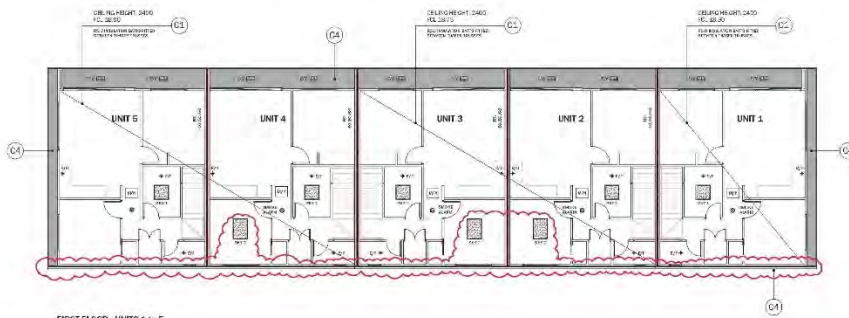




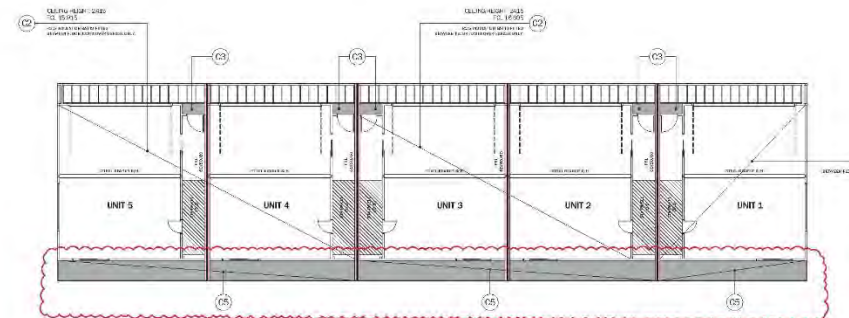
## CEILING KEY &amp; NOTES

REFLECTED CEILING SHALL BE FINISHED TO THE FOLLOWING STANDARDS AND THE FINISHING WORK SHALL BE COMPLETED BY THE END OF THE PROJECT. THE FINISHING WORK SHALL BE COMPLETED BY THE END OF THE PROJECT. THE FINISHING WORK SHALL BE COMPLETED BY THE END OF THE PROJECT.

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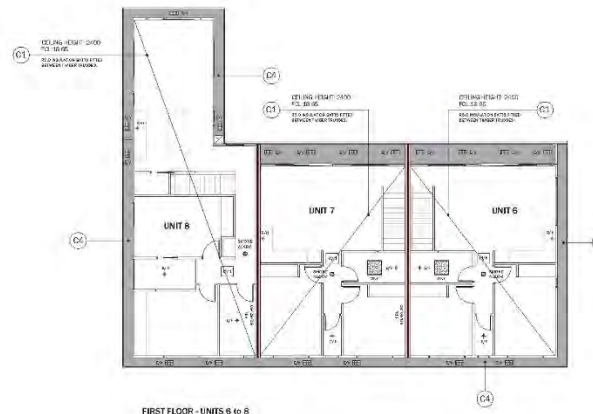


FIRST FLOOR - UNITS 1 to 5

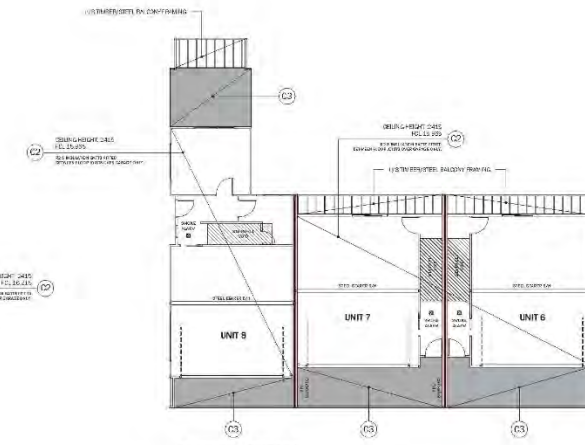


REFLECTED CEILING PLAN 1:100

UNIT 1 to 5



FIRST FLOOR - UNITS 6 to 8



REFLECTED CEILING PLAN 1:100

UNIT 6 to 8

**MATT GILLEY**  
BUILDING DESIGNER

1000 2ND AVENUE, SUITE 100  
SEASIDE, CA 94133  
(415) 441-1111

## UNIT DEVELOPMENT

NO. 11A GORDON STREET  
THE YOUNG GROUP  
DATE: JUL 2023  
PROJECT NO: 100  
ISSUED: 1.0  
BY: M.G.



## REFLECTED CEILING PLAN

SCALE: 1/8" = 1'-0"

**A17**

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AGENDA  
SORELL PLANNING AUTHORITY (SPA) MEETING  
29 AUGUST 2023





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Environmental Health and Safety Department, University of Illinois at Chicago, 606 S. Dearborn St., Chicago, IL 60607-7099

INTERNAL SECURITY - FOREIGN DISSEM.

[illegible]

- POWER TOOL, CUMARÉ TO REMOVE THE BENT WELD-STEEL HOOKS TO BE WELD

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RENTAL LOCATIONS SUBJECT TO AVAILABILITY, ASCH AVOID CLOSING PROXIMITY TO SUGGESTION  
BETHROOM CONCEPT THIS ARE NOT CONSIDERED TO BE HER PERMANENTLY EXHIBITION

© 2006 The Authors  
Journal compilation © 2006 Blackwell Publishing Ltd

Source: *Author's calculations*.



**CAST-IN PLATE 1:10**  
1000441 - 80 rad hot dunk (max temp)

 STEPPED FOOTING 1:20

FOOTING & SLAB PLAN 1,100  
(GRADE FLOOR LEVEL)

---

64278913

### IMMUNE SYSTEM'S RESPONSE

doi:10.1017/S0022292412001606

JHE T2888 05/04/P

1992/93

A. C. GIBBS  
S. D. HARTMAN

## FOOTING &amp;

NAME: \_\_\_\_\_

2

C

---



MAXIMUM POWER LOAD @ 2000 RPM: 5.125  
MAXIMUM POWER @ 2000 RPM: 47.4 hp

TYPICAL THERMAL TO BESE OF LITRELS:  
20% CRYSTALLINITY OF POLYMERIZATION WITH 10% CRYSTALLINITY OF POLYMERIZATION  
END OF BESE AND 1/2% OF POLYMERIZATION

ALL "MESE" FLOOR, WALL & ROOF FRAMING SHALL BE CONSTRUCTED USING COMPOUND CHANNELS, CHANNELS, PLATE, OR SHAPES, AND THE JOINTS SHALL BE WELDED.

EXTERNAL HANGERS AND RAILS FOR LOCK MUST BE STAINLESS STEEL OR OTHER APPROVED EXTERNALLY COATED HANGER. WITHBAGS42/68" STAINLESS STEEL HANGER WITH 60 INCH TO TOP OF BAGS AND 60 INCH TO BOTTOM OF BAGS.

**PROTECTIVE COATINGS FOR STEELWORK** BY THE EDITORIAL STAFF

**ENVIRONMENT • RAINFALL** Scientists find that rainfall over the Amazon basin is linked to the El Niño weather pattern, which is expected to intensify in 2009.

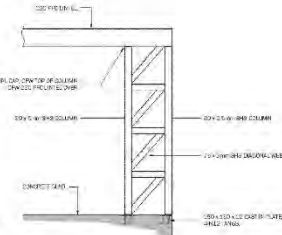
1. 2961, CANTERA, RICH PRIMER
2. 2961, CANTERA, RICH G.D.S.S.
3. 2961, CANTERA, RICH G.D.S.S.

ALL ZINC CONTAINING PRODUCTS/FORMS REQUIRE A BARRIER COAT TO STOP  
OXYGEN FROM COMING IN CONTACT WITH THE ZINC.

FOR APPLICATIONS OUTSIDE THE SCOPE OF THIS TABLE, SEE SPECIALTIES PAGE.

## FLOOR FRAMING SCHEDULE

Some things will be different. Selling units' total with wall system. Some will have to be replaced. To satisfy and to use the same as 20.



T-PR25

100-100000

JEDRZEJ SZYBICKI  
 nr 14 w/w  
 01-650 Warszawa  
 LCPAGE No. 0010000

UNIT DEVELOPMENT

TABLE 1. *Continued*

FIGURE 3a 149

スロバニア 46000  
E-mail: s.b.1998@post.slo

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FILE

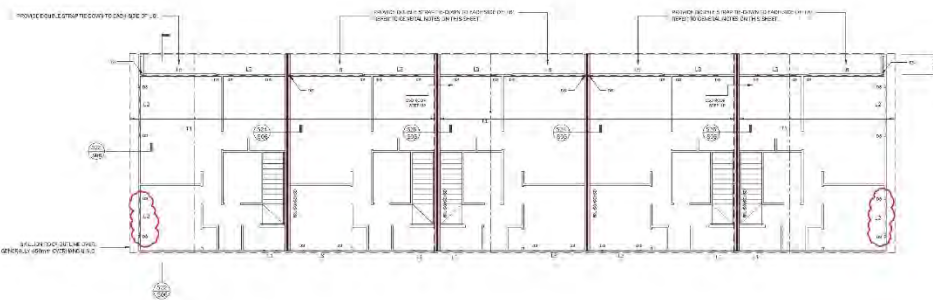
## PLAN

507

45-1687 20 OF 20

[illegible][illegible]

ACCEPTS YOU WILL SUE BETWEEN DWELLING UNITS TO THE EXTENT OF: SEVERE-  
DOMESTIC ABUSE, GROUND INADEQUACY, TOXICITY (PCT 125) AND/OR OTHERS, + OTHER  
(PCT 125) AND/OR OTHERS, + OTHER  
(PCT 125) AND/OR OTHERS, + OTHER  
NOT TO EXCEED UP TO \$100,000.00 AND \$10,000.00  
WILL TO EXCEED UP TO \$100,000.00 AND \$10,000.00  
WILL TO EXCEED UP TO \$100,000.00 AND \$10,000.00



ROOF FRAMING PLAN 1:100

P2 BOX 224 LINDSAY FINE ASTORIA 70 1/2  
RUE (BRIDGEWAY) 1140  
OAK 186-138  
LTD. AGENT. 0296590

No. 11A GORDON STREET  
SORELL

THE YOUNG GROUP

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DATE: \_\_\_\_\_

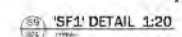
PROJECT NO. \_\_\_\_\_

DESIGN BY \_\_\_\_\_

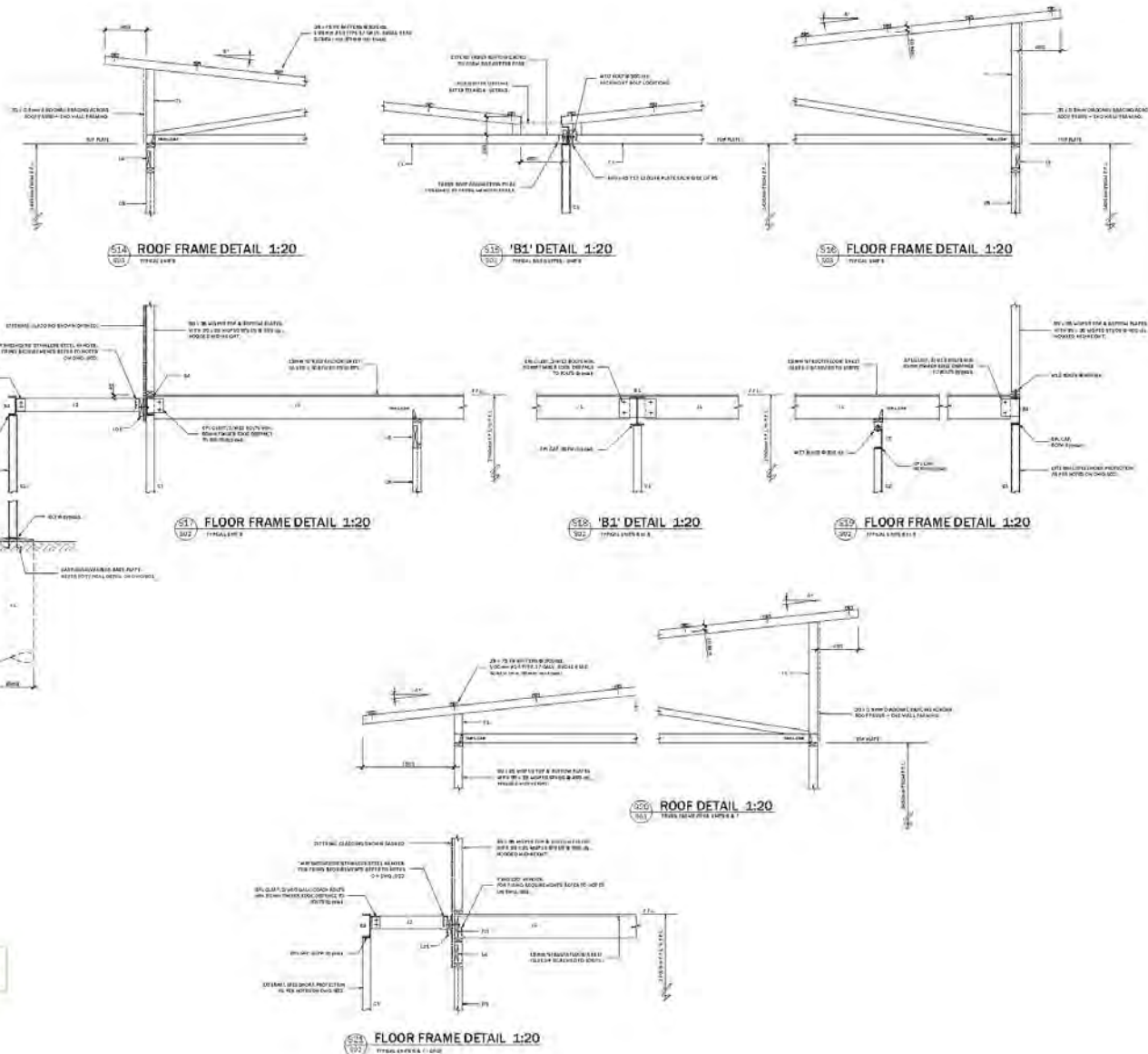
A. OLD HOUSE  
B. NEW HOUSE

500  $\mu\text{A}$  (b)

21 of 26



SEP. 22/19



**MATT GILLEY**  
BUILDING DESIGNER

PROJECT: 10010000000000000000  
SHEET: 001 OF 001  
DATE: 10/01/2023

DATE: 10/01/2023  
BY: 10010000000000000000

DATE: 10/01/2023  
BY: 10010000000000000000  
DATE: 10/01/2023  
BY: 10010000000000000000

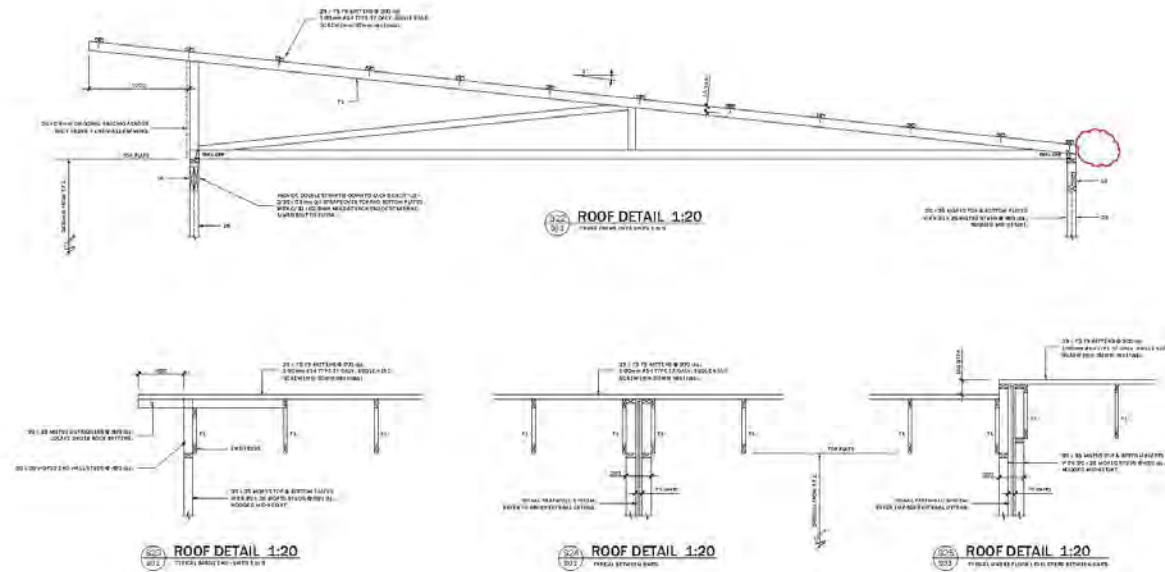
STRUCTURAL  
DETAILS

DATE: 10/01/2023

**S05**

DATE: 10/01/2023





**MATT GILLEY**  
BUILDING DESIGNER

10/10/2024 10:00:00 AM  
10/10/2024 10:00:00 AM  
10/10/2024 10:00:00 AM

#### UNO DEVELOPMENT

10/10/2024 10:00:00 AM

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**AGENDA**  
**SORELL PLANNING AUTHORITY (SPA) MEETING**  
**29 AUGUST 2023**

