

KENTISH COUNCIL



"Tasmania's Outdoor Art Gallery"

Minutes

Special Meeting of Council

held in the Council Chambers, Town Hall,

Sheffield, commencing at

7 pm April 3 2007

KENTISH COUNCIL

NOTICE OF MEETING

Notice is hereby given of a Special Meeting of the Kentish Council is to be held Tuesday 3 April 2007 commencing at 7.00pm in the Council Chambers, Town Hall, Sheffield.

Mark Crouch

General Manager

Kentish Council

29/03/2007

QUALIFIED PERSONS ADVICE ETC.

The *Local Government Act 1993* provides (in part) as follows:

- *A General Manager must ensure that any advice, information or recommendation given to the Council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.*
- *A Council is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the General Manager certifies in writing that such advice was obtained and taken into account in providing general advice to the Council.*

I therefore certify that with respect to all advice, information or recommendation provided to the Council in or with this agenda:

1. The advice, information or recommendation is given by a person who has the qualification or experience necessary to give such advice, information or recommendation; and
2. where any advice is directly given by a person who does not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.



Mark Crouch
GENERAL MANAGER

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Opening Prayer

1.1 Leave of Absence

1.1 **Present**

Mayor Ian Braid in the Chair, Crs. W Sherriff, H Burrows, T Muir, D Jordan, J Deverell, K Lambert and D Thwaites

Council Officers

Mark Crouch (General Manager), Tony Bickford (Corporate Services and Finance Manager), Darrin Cunningham (Community Development Manager) and Matthew Greskie (Manager of Technical Services)

Apologies: Cr. M Haberle

Planning Matters -

Recommendation:

That Council proceed into session as the Planning Authority pursuant to Section 6 of the Land Use Planning Approvals Act 1993.

Motion:

Cr. Burrows moved and Cr. Thwaites seconded that Council proceed into session as the Planning Authority pursuant to Section 6 of the Land Use Planning Approvals Act 1993.

CARRIED UNANIMOUSLY

**1 REPORT ON DEVELOPMENT PROPOSAL – Guest Accommodation,
Learys Corner, Cradle Mountain**

Development Application Number: DA 06/135 **Property File #:** Part 7559165

Date Application Lodged: 29/1/07

42 Day Expiry Date: 01/04/07

Extension to 05/04/07

Address of Development: Learys Corner, Cradle Mountain

Applicant: What Architects on behalf of Australian Alpine High Country Pty Ltd

Development Proposal: Guest accommodation

Zoning: Natural Resources

Land Capability Classification: 6

Use Status of Proposed Development:

Existing Use: Vacant

Date Advertised: 3/3/07

Closing Date (14 days): 17/3/07

Number Adjoining Owners Notified: 2

Number of Representations: 2

Agencies Consulted: DIER

Matters Requiring Discretion:

- Visibility of development;
- Waste disposal;
- Building dimensions; and
- Roof form.

REPORT

Proposal Description

The applicant proposes to develop a guest accommodation facility at Learys Corner, Cradle Mountain. There are two titles subject to this development application, being CT 252043/1 and CT 116286/1. The titles are 20.27 and 76.62 hectares respectively.

The proposal is for the construction of a single building that would contain four guest bedrooms, an office/reception area, a lounge/dining area, kitchen, laundry and storage areas. The building would cover a total area of approximately 600m² and would be single storey, with a maximum height of 7 metres. The building would be located approximately 260 metres from the northern property boundary and 115 metres from the western boundary (refer **Attachment 1, page 37**)

The building would be clad using a combination of vertical timber boards and a painted render finish, with a Colorbond roof. The cladding would be brown in colour, with an olive green roof. The majority of the northern elevation of the building would be comprised of windows. Timber privacy screens would be used to separate a small deck area to the south of each of the bedrooms.

Vehicular access to the site would be via a new access track to be constructed to Cradle Mountain Road. The access track would be located approximately 220 metres to the south of the Learys Corner intersection. The location of the access is identified by the site plan, drawing number A-SI-100, Rev C. This access track crosses the adjoining title in the same ownership, being CT 116286/1. It is proposed that a right of way be created over CT 116286/1 in favour of CT 252043/1 to provide access to Cradle Mountain Road.

An assessment of the traffic issues prepared by Esk4 Development Consultants and CSE Tasmania Pty Ltd estimated that there would be a total of 22 vehicular movements per day to and from the site.

A car parking area is proposed on the northern side of the building, which would accommodate six vehicles – one for each of the guest rooms and two for staff and visitors.

A large septic system is proposed to dispose of wastewater from the development. A soakage area of 5500m² is proposed, which would be located to the north of the proposed building. It would contain the duty and standby soakage trenches. The septic tank would be located to the east of the proposed building. A wastewater assessment was submitted as part of the application.

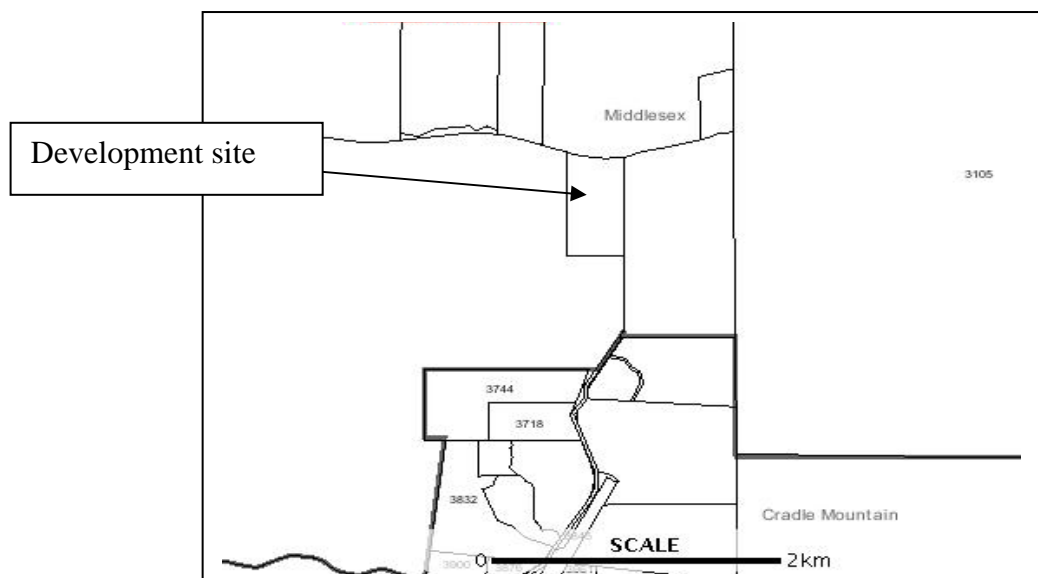


Figure 1. Subject property



Figure 2. Development Site

Statutory Requirements

The proposed development is subject to the provisions of the Kentish Planning Scheme 2005, within which the site is part of the Natural Resources Zone.

The objectives of the Natural Resources Zone relate to the protection and promotion of resource development industries, including agriculture, forestry and the sustainable use of the available natural resources.

The applicable Scheme Standards for development in the Natural Resources Zone are described in Table 10.1 and in codes listed in Clause 10.4.2 of the Scheme.

Discussion

The relevant requirements of the Scheme have been listed below and will now be analysed. The relevant clause and title will be provided, and whether the proposal meets the acceptable solution (AS) or the performance criteria (PC) for each clause.

Those clauses that are not applicable to the proposed development have not been discussed.

Use classes

Table 10.3

Allowable

This table allows for a business and civic use where the purpose is to provide facilities or services for visitors, residents or other businesses. The purpose of this facility is to provide accommodation for visitors to the Cradle Valley. As such, it is an allowable use in the zone.

Development of agricultural land 10.2.1

AS

This clause requires that all proposals must identify the land capability of the development site. The subject property is identified as Class 6 land by the State land capability mapping system. The land capability of the site has been identified, thus satisfying this requirement.

Commercial tourism development 10.6.1(a)

AS

This clause requires that where a facility is proposed that is adjacent to a World Heritage Area (WHA) or State Reserve, any material provided to visitors must be prepared in accordance with the management plan for the relevant area.

The development site is located adjacent to the Belvoir Conservation Area, and the applicant submitted that material relating to activities in the area would be provided to visitors at the facility. To ensure any material provided is suitable and in accordance with this clause, this has been included as a condition of approval to ensure the acceptable solution is met.

Commercial tourism development 10.6.1(b)

PC

This clause requires compliance with the Environmentally Sensitive Areas Code. The requirements of this code are complied with, and will be discussed below.

Relationship to World Heritage Area values

Issue 16.1

AS

This clause requires a site analysis where any of the values identified by Schedule 22 are affected by a development. There is a numbering error within the Scheme, as this clause should actually refer to Schedule 23. Schedule 23 identifies a number of world heritage values that are to be protected. These include geological, environmental and aesthetic values. No areas of geological significance have been identified on the site.

A flora and fauna assessment prepared by North Barker and Associates and dated November 2006 was submitted as part of this application, which concluded that "no plant species of significance were recorded" and "the development should not have an impact on any threatened fauna".

In terms of aesthetic value, Value (g) of Table 23.1 relates to viewfields of exceptional natural beauty – eg. Views to Cradle Mountain and views of predominantly undisturbed landscapes. This value is of particular relevance to this development, as the building would be visible from several major tourist routes – being Cradle Mountain Road and Belvoir Road (Link Road). Both these roads are significant tourist roads.

The development would not block views or vistas of Cradle Mountain from Cradle Mountain Road, as the site is adjacent to this road. More significantly, Cradle Mountain would attract more attention of passing motorists than this development would. As the views and vistas of Cradle Mountain or any adjoining reserves would not be obstructed, this clause is satisfied.

Visibility of development

16.2.4(b)

PC

The performance criteria to this clause requires that where a development would be visible from any public road or State Reserve, it must be demonstrated how the buildings would blend with the tones and shapes of the surrounding vegetation and topography, how views and vistas of the World Heritage Area (WHA) or State Reserve are to be protected and how the building would not be visible from any viewpoint within the WHA.

In support of this clause, the applicant has submitted that "The development is to be sited, designed and constructed to avoid the potential for intrusion into views or vistas". No specific information has been provided except the statement that "The proposal is considered to be consistent with the acceptable solution and relevant performance criteria".

An inspection of the development site indicated that the building would be visible from Cradle Mountain Road. As noted, the development site would be clear of significant vegetation. There is, however, a large amount of dense vegetation to the north of the development site that would effectively provide a backdrop to the development, thus minimising visual impact. There are several sections of dense vegetation between Cradle Mountain Road and the development site that would assist in screening, provided these trees were retained through the construction process. To ensure that they are retained, a condition to this effect has been included.

The building would be clad using a combination of timber and painted render finish, and glass. The cladding colour would be a combination of brown and olive green. These colours are sympathetic to the natural environment at this location. The majority of the southern elevation would be comprised of glass, which could possibly have a high level of reflectivity, depending on the type of glass used. As such a condition has been included requiring low reflective glass be used.

The issue of reflectivity was discussed with the applicant, who advised that low-reflectivity glass would be used for all parts of the building. If a higher rate of thermal protection is required, there are a range of low-reflectivity glasses that could be used without resorting to a high-reflectivity glass. To ensure low-reflectivity glass is used, a condition has been included to this effect.

The building would be single-storey, and would be 7 metres from natural ground level at its highest point. It would be sited at the bottom of a gradually sloping site, meaning that the topography has been considered in siting.

Cradle Mountain is visible from the development site on a fine day, but is located approximately 18 kilometres from the development site. As such, it would not be possible that the proposed building would be visible from Cradle Mountain, by the naked eye. As such, there would be no impact upon the vistas from Cradle Mountain as a result of the proposed building.

In support of the minimal visual impact of the building, the applicant has submitted that "the proposed building is a series of stepping rectangular forms in plan with simple skillion and gable end roof shapes, arranged in a way, which visually 'break up' the overall building mass into a series of smaller individual pavilions".

The access to the site would be from Cradle Mountain Road, and would be surfaced using gravel sourced from the local area. The gravel would be sympathetic in colour to the natural environment. Rather than being a straight line to the development site, the applicant has submitted that the driveway would meander over the site to minimise visual impact.

The requirements of the performance criteria to this clause are therefore satisfied, as particular measures would be taken (and required by conditions) to ensure the visual impact is low. The building has been sited with respect to topography and impact upon views. As such, this clause is considered to be satisfied.

Visibility of development

16.2.4(c)

AS

This clause requires that where a development is visible from another development, the building/s are to sit at the edge of and blend in with surrounding vegetation.

Though no existing developments are located within close proximity of the proposed development, the building would be visible from Cradle Mountain Road. However, as discussed above, the building has been sited with respect to the location of vegetation and topography, thus ensuring compliance with this clause.

Waste disposal

16.3.1

PC

The acceptable solution to this clause requires that the development is to be connected to Council's wastewater treatment system. At this location, there is no Council wastewater system. The Cradle Valley Centralised Sewerage Scheme (CVCSS) is in the process of development assessment by the Department of

It is proposed to extend the sewer district in the future to include this property and the adjoining to the east under the same ownership. Once this occurs the developer will be required to connect the existing and any future development to the reticulated sewer and re-use system. A condition clearly stipulating this requirement is required.

Car parks

16.3.5

AS

This clause requires that parking areas are to take advantage of natural vegetation and topography. The proposed car park would be located to the north of the proposed building, and would also be sited on an area clear of significant vegetation.

A large stand of vegetation is located between the car park and Cradle Mountain Road, which would effectively screen vehicles from the road. This clause is therefore satisfied.

Building dimensions

16.4.1

PC

This clause requires that where a building exceeds 6.5 metres in height, it must be demonstrated that would be no adverse impact upon visual amenity. The proposed building would be 7 metres in height, however specific measures have been taken to minimise visual impact. These measures are discussed under 16.2.4(b) at length. Please refer to this discussion.

Roof form

16.4.2

PC

This clause requires that where a roof pitch is not between 22.5 and 45 degrees, it must be demonstrated that the roof form is consistent with the design concept and site features.

This development would have a roof pitch of 15 degrees. The applicant has submitted that the building and roof have been designed in a manner consistent with the landscape and general appearance of the site. The roof form is also similar in design to other development at Pencil Pine. This clause is therefore considered to be satisfied.

Decorative features

16.4.3

AS

This clause prevents use of falsely applied features, such as gable decorations and shingled panels. This is not proposed, thus satisfying this requirement.

Foundations

16.4.4

AS

This clause relates to sloping sites. The development site slopes only gradually and stump foundations are proposed at a height of 700 millimetres above natural ground level, meaning that the acceptable solution is met.

Visible elements 16.4.5 AS

This clause allows for use of timber and corrugated iron for building cladding. These are the proposed materials, thus satisfying this clause.

Runoff 16.4.6 AS

This clause requires that runoff is collected either via guttering and downpipes or dispersed via direct drainage. The applicant has submitted that guttering and downpipes are proposed, meaning that drainage to rainwater tanks would occur.

No waterways that would be adversely affected by this type of drainage. The Iris River traverses the southern part of the site, approximately 240 metres from the building site. This waterway would not be affected.

Exterior lighting 16.4.7 AS

This clause relates to external lighting, which is proposed under the eaves for safety and security purposes. This type of lighting would satisfy the acceptable solution.

Building form 16.5.1 AS

This clause requires that all facilities are to be provided within a single building, or connected via physical linkages. This development proposal is for a single building which would provide all accommodation and visitor facilities.

Land management plan 16.6.1 AS

The application was accompanied by a flora and fauna habitat assessment, which detailed specific measures to be taken into account in the development of the site. No threatened species or flora and fauna were identified on the subject property. The acceptable solutions identified by this clause are satisfied.

Fencing 16.6.2 AS

This clause prevents fencing on site boundaries or road frontages. No fencing is proposed as part of this development, thus satisfying this requirement.

World Heritage Area Values Schedule 23 AS

This Schedule applies to 'viewfields of Cradle Mountain' and as such, requires consideration of visual impact. This has been discussed above at length.

Relationship to attractions 10.6.2 AS

The proposed development would be an accommodation facility based on the experience of Cradle Mountain. This clause is therefore satisfied.

Environmental Management

Construction near waterways 18.1.1 AS

This clause requires that no construction within 30 metres of a waterway may occur. There is one major waterway that crosses the subject property, being the Iris River. The proposed development site is approximately 240 metres from this waterway, meaning that no adverse impact upon the quality of the waterway is likely and this clause is satisfied.

Native vegetation removal 18.2.1 AS

As above, this clause requires that no native vegetation is to be removed within 30 metres of the above-mentioned waterway. To ensure this does not occur, a condition to this affect has been included.

Point sources of discharge 18.3.1 AS

This clause requires that no new point sources of discharge are allowed into a waterway. This includes both stormwater drainage and effluent. In terms of stormwater drainage, the distance between the development site and the Iris River would prevent infiltration. Nonetheless, conditions have been included with respect to drainage. Effluent disposal is addressed by 16.3.1, above. No adverse impact is likely.

Risk Management

Risk management 10.7.1 AS

In support of this application, a bush fire safety assessment was undertaken and submitted. Flood risk and landslip do not pose a threat to the site. The Iris River traverses the southern part of the site, approximately 240 metres from the proposed building site.

Hazard risk analysis 21.3.1 AS

This clause requires that a hazard risk analysis be undertaken. As noted above, bushfire risk was assessed by a submitted report. The assessment concludes that one of either two options are suitable. The options are (1) to require the traditional buffer zones, as required by the scheme; and (2) to allow a for modified fire resistance to the building. These options are detailed by the attached assessment. Either option satisfies the requirements of this issue.

Given that removing further vegetation is unacceptable in this environment a condition has been included to comply with option 2.

Non-reticulated areas 21.4.2

AS

This clause requires that there must be 20,000 litres of water available on the site for fire-fighting purposes. The applicants have submitted no information with respect to the erection of water tanks. If the application were to be approved, the applicants should be required to have sufficient water supply for fire-fighting purposes, in accordance with the requirements of Code 21 of the Scheme. That would ensure compliance with the acceptable solution for this clause.

Parking and Access

Maintenance of road safety standards 10.9.1

AS

This clause requires that a development is to comply with the Road and Rail Asset Code requirements of this Scheme. These requirements are satisfied, and are discussed below.

Parking provision 15.1.1

AS

This clause requires the provision of one space per bedroom. A six car parking area is proposed to the north of the building, which would comfortably accommodate one vehicle per guest room and two staff/visitor spaces. This clause is therefore satisfied.

Drainage 15.2.2

AS

This clause requires that the car parking area is to be appropriately drained, to facilitate infiltration into surrounding areas of the site. To ensure that the car park is appropriately surfaced and drained, a condition has been included to that effect.

Connections to main roads 15.2.3

AS

This clause requires that forward egress is to be provided from the site. There is sufficient space on the site to allow for manoeuvring of vehicles and forward egress, thus satisfying this requirement.

Driveways and accesses 15.2.4(a)

AS

This clause requires a minimum driveway width required of 5 metres. To ensure this occurs, a condition to this effect has been included.

Driveways and accesses 15.2.4(d)

AS

This clause requires crossover construction in accordance with the Council standard. A condition has been included to ensure this occurs.

Infrastructure

Payment for infrastructure 10.6.3

AS

This clause states that no proposal is to be approved that relies upon infrastructure provision by Council or any State agency at the time of development or in the future.

The developer is aware that all infrastructure costs are their responsibility.

Discharge of pollutants 10.11.1

AS

The issue of wastewater disposal has been addressed by 16.3.1, above. Please refer to this discussion.

Impact of emissions 10.11.2

AS

This clause relates to the generation of emissions. No substantial emissions are likely as a result of this development, thus satisfying this clause.

Consultation Matters

In accordance with Section 57(3) of the *Land Use Planning and Approvals Act 1993*, the proposed development was advertised for a period of 14 days (3/3/07 – 17/3/07).

Two objections to the proposal were received (refer **Attachment 2, Page40**).

The key points of the first representation are summarised as follows:

- The development does not comply with the Cradle Tourist Development Plan 2003 (CTDP) because:
 - Additional signage would add to the proliferation of signage in the area.
 - Power services would need to be underground or they would be “unsightly”.
 - The development does not comply with the specific zone requirements of the CTDP.
 - No development should be allowed where visible.
- The proposal does not comply with the Kentish Planning Scheme 2005 because:
 - The Pencil Pine settlement objectives are not satisfied.
 - All developments outside major settlements are to be self-sufficient in services.
 - The development does not satisfy the objectives of the Environment Protection Zone of the Scheme.
 - The development is in a high fire risk area and poses a threat to the Cradle Village.

The points raised by the representor will now be addressed.

The Cradle Tourist Development Plan 2003 was not prepared by/for Council, nor has it been submitted to Council for consideration/acceptance. Until incorporated into the Planning Scheme the requirements of the Plan cannot be enforced by Council. It should also be noted that the relevant State Government agencies have not yet endorsed the Plan, meaning that it is still in draft form and has no status.

It is noted, however, that the Planning Scheme covers many of the visual impact issues described by the representor. These include the requirement that power and services are located underground, that wastewater disposal is to be undertaken on site, that vegetation is retained where possible, and that the building is constructed and sited to appropriately blend with the natural environment. The issue of visual impact has been discussed above at length.

In relation to compliance with the Kentish Planning Scheme 2005, the development site is not located within the Environment Protection Zone, but is, in fact, located within the Natural Resources Zone. The Natural Resources Zone is the zone in the Municipality within which agricultural use and development is permitted, and some forms of Business and Civic uses and developments are also allowed. As such, the objectives of the Environment Protection Zone are not relevant. The objectives of the Natural Resources Zone include "...promote investment in tourism and associated activities in a manner which furthers the objectives of Schedule 1 of the Act". The proposed development is a tourist activity, which would be developed in an environmentally and visually sensitive manner, thus furthering this objective.

In terms of bushfire risk, a bushfire risk assessment was undertaken and submitted as part of this application. This and all other documentation associated with the proposed development was able to be viewed by concerned parties at Council offices at any time during the advertising period. The assessment concluded that two options could be used to mitigate bushfire risk to occupants of the development. The options are (1) to require the traditional buffer zones, as required by the scheme; and (2) to allow a for modified fire resistance to the building. These options are detailed by the submitted assessment. Either option would satisfy the requirements of the Scheme with respect to risk management.

There is no comment made in the submitted assessment that the construction of this development would create a bushfire risk to the existing developments that form the main Pencil Pine village. Bushfire risk management techniques for each development must be considered on a site by site basis. Either of the proposed management methods for this site would satisfy the Scheme requirement.

To summarise, it appears the representor has incorrectly applied the objectives of the Environment Protection Zone to this development, rather than the Natural Resources Zone objectives. Council has no mechanism to enforce the zoning requirements of the Cradle Tourist Development Plan 2003, as the plan has not yet been incorporated into the Planning Scheme and therefore has no

statutory status. The issues of visual and environmental impact, and bushfire risk have been addressed by the applicant as part of the application, and it is considered that the application satisfies the relevant requirements of the Scheme.

The key points of the second representation are:

- The proximity of the development site to the Belvoir Conservation Area will impact on the values of this Reserve as well as the water catchment of the Iris River;
- There should be no clearing for a new access track;
- If approved, the building should be well hidden from view by existing vegetation;
- The site is within the 'Environment Protection Zone' and is subject to the Cradle Tourist Development Plan 2003;
- The development does not comply with the Cradle Tourist Development Plan 2003; and
- The site is outside of the area planned for visitor services by extensive community, commercial and State Government agency consultation.

The points raised by this representor will now be addressed.

It is acknowledged that the site is within close proximity of the Belvoir Conservation Area, and that the impact of the development upon the views and vistas of the region from that Conservation Area must be protected.

In terms of visual impact, the proposed development has been sited with respect to topography and existing natural vegetation to ensure that visual impact is minimised. The specific Scheme requirements with respect to visual impact are identified by Issues 16.1 and 16.2, which require that development is to be sited to blend with existing vegetation and topography to ensure visual impact is minimised and vistas are protected.

In terms of access, it is acknowledged that there is an existing access track to Cradle Mountain Road from the site that could possibly provide access to this development. The major obstacle to the use of this access is that it comes from Cradle Mountain Road at a point where there are poor sight distances, and use of this access has the potential to create a substantial traffic hazard. The second point is that the existing access track is approximately half the required width for the new access, and that clearing of additional vegetation at this location would also be required.

As such, the only alternative is to construct a new access at a location where sight distances that satisfy the Scheme requirement can be achieved. The applicant has stated that the new access would be constructed following a site survey to identify the location of existing vegetation, and to avoid this vegetation where possible. To ensure this occurs, a condition to this effect has been included. In addition to this, the applicant has also stated that the access would be sited and constructed so that it appears to 'meander' to the development site. This would further ensure that visual impact is minimised.

As noted in the assessment of the proposal, the building would be almost entirely screened from the Belvoir Road and partially screened from Cradle Mountain Road by existing vegetation, that must remain as part of the construction process. Similarly, the development would also be screened by existing vegetation from the Belvoir Conservation Area. This has been discussed above at length.

The development site is not within the Environment Protection Zone of the Kentish Planning Scheme 2005 as noted by both representors. It is within the Natural Resources Zone.

Conclusion

The development proposal is the construction of a four bedroom guesthouse at Learys Corner. The development is located within the Natural Resources Zone of the Scheme, of which one of its objectives is to "Allow for and promote investment in..... tourism and associated activities in a manner which furthers the objectives of Schedule One of the Act".

The proposed development satisfies the relevant standards of the Scheme. Detailed information has been provided by the applicant with respect to bushfire risk, wastewater disposal, flora and fauna impact and assessment of the specific planning requirements of the Scheme. This information satisfactorily demonstrates that the relevant requirements are met.

It is considered that the visual impact of the development would not be substantial, through careful siting and construction methods. The building would be constructed using materials that would be sympathetic to the natural environment, and non-reflective glass would be used for the southern elevation of the building.

It should be noted that there is no sewerage district declared for Cradle Valley at this stage. As discussed earlier in the report it is proposed that in time a declared sewerage district will incorporate this development which will require the developer to connect to the reticulated system.

It is considered that the development proposal satisfies the requirements of the Kentish Planning Scheme 2005 and should be approved, subject to the conditions below.

Qualified Recommendation

Pursuant to the Kentish Planning Scheme 2005, the application for a guesthouse on CT 252043/1 at Learys Corner, Cradle Mountain be approved subject to the following conditions:

- 1. This permit allows the development in accordance with the endorsed plans, drawing numbers.***
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Planning Authority.***

3. *Removal of native vegetation shall be restricted to the development area. Unless the endorsed plans show otherwise, all plantings shall consist of native vegetation specific to the site.*
4. *No vegetation outside of the development site is to be removed.*
5. *Erection of a satisfactory temporary fence around the construction area, for the construction period, to be no further than 1 metre beyond the external walls of the proposed building.*
6. *Any areas of vegetation damaged through construction are to be revegetated with native vegetation specific to the site.*
7. *Works on the site are to cease if any Aboriginal artefacts are discovered during construction and the appropriate bodies including the Department of Tourism, Parks, Heritage & Arts are to be consulted before continuing.*
8. *In accordance with the provisions of the Roads and Jetties Act 1935 (the Act) a work permit for the above is to be obtained from DIER's Network Supervisor, Les Braid, 32-34 Marine Terrace, Burnie at least fourteen days prior to the desired date of commencement of any works within the Cradle Mountain Road reservation.*
9. *The access to the development site is to be sited and constructed in a manner which avoids removal of vegetation where practicable. The exact location and extent of vegetation removal for the access is to be determined by survey and is to be endorsed by the Manager Technical Services prior to construction.*
10. *The constructed access is to be a minimum of 5 metres in width.*
11. *The car park is to be designed and surfaced to allow for surface infiltration, the satisfaction of the Manager Technical Services.*
12. *A right of way is to be registered on the title to CT 116286/1 to provide for access to development site.*
13. *All glass to be used in the construction of the guesthouse is to be low-reflectivity.*
14. *All exterior lighting must be located under the eaves of the building, and is to be low-level security lighting.*
15. *All infrastructure is to be developed and constructed at the cost of the developer.*
16. *Within 60 days of the Cradle Valley reticulated sewer becoming available, wastewater from the development must be connected to the reticulated system.*
17. *Plumbing of water services must make provision for the future reuse of treated water for water closets, gardening and fire services. Within 60 days of the Cradle Valley reticulated re-use system becoming available, re-use water must be connected to the reticulated system.*
18. *Water tanks are to be provided on site to ensure sufficient water supply for normal household use.*

19. *Wastewater disposal is to be in accordance with the system design details as submitted and endorsed.*
20. *All services to the site are to be located underground and are to utilise common trenching.*
21. *Stormwater is to be disposed of in a manner, which does not adversely affect any building work, or cause any erosion or carrying of sediment into any natural watercourses to the satisfaction of Council's Environmental Health Officer.*
22. *Option Two of the Bush Fire Safety Assessment undertaken by Pitt and Sherry and dated January 2007 is to be implemented as part of the development.*
23. *20,000 litres of water for fire fighting purposes is to be provided on site to protect the guesthouse as reticulated water is not available in the case of fire. If water storage tanks are proposed as the source they must be fitted with a 64mm 5V thread male coupling to allow access by fire fighting services.*
24. *If the flow rate from the water supply cannot meet the required 270 litres per minute, a diesel or petrol-powered pump must be provided to specifications approved by the Tasmania Fire Service.*
25. *If visitor information material is to be provided to guests of the guesthouse, the information is to be in accordance with the Management Plan for the Belvoir Conservation Area.*
26. *No signage has been approved as part of this development. A further development application will be required for any advertising signage.*
27. *This permit will expire if the development is not substantially commenced within two years of the date of this permit.*

NOTE: The construction of any walkways/paths within the site and associated interpretation signage/information will require separate approval.

Assessed by: Kate Guinane
Planning Consultant
Lester Franks Survey & Geographic Pty. Ltd.
21 March 2006

Reviewed by: Robyn Barwick
Planning Coordinator
Matthew Greskie
Manager Technical Services

[Australia's Alpine High Country - Development Application](#)
[Tasmanian Conservation Trust Inc - Objection to DA 06/135](#)
[Peter Sims - Objection to DA 06/135](#)

Motion:

Cr. Burrows moved and Cr. Jordan seconded that Pursuant to the Kentish Planning Scheme 2005, the application for a guesthouse on CT 252043/1 at Learys Corner, Cradle Mountain be approved subject to the following conditions:

- 1. This permit allows the development in accordance with the endorsed plans, drawing numbers.***
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Planning Authority.***
- 3. Removal of native vegetation shall be restricted to the development area. Unless the endorsed plans show otherwise, all plantings shall consist of native vegetation specific to the site.***
- 4. No vegetation outside of the development site is to be removed.***
- 5. Erection of a satisfactory temporary fence around the construction area, for the construction period, to be no further than 1 metre beyond the external walls of the proposed building.***
- 6. Any areas of vegetation damaged through construction are to be revegetated with native vegetation specific to the site.***
- 7. Works on the site are to cease if any Aboriginal artefacts are discovered during construction and the appropriate bodies including the Department of Tourism, Parks, Heritage & Arts are to be consulted before continuing.***
- 8. In accordance with the provisions of the Roads and Jetties Act 1935 (the Act) a work permit for the above is to be obtained from DIER's Network Supervisor, Les Braid, 32-34 Marine Terrace, Burnie at least fourteen days prior to the desired date of commencement of any works within the Cradle Mountain Road reservation.***
- 9. The access to the development site is to be sited and constructed in a manner which avoids removal of vegetation where practicable. The exact location and extent of vegetation removal for the access is to be determined by survey and is to be endorsed by the Manager Technical Services prior to construction.***
- 10. The constructed access is to be a minimum of 5 metres in width.***
- 11. The car park is to be designed and surfaced to allow for surface infiltration, the satisfaction of the Manager Technical Services.***
- 12. A right of way is to be registered on the title to CT 116286/1 to provide for access to development site.***
- 13. All glass to be used in the construction of the guesthouse is to be low-reflectivity.***
- 14. All exterior lighting must be located under the eaves of the building, and is to be low-level security lighting.***
- 15. All infrastructure is to be developed and constructed at the cost of the developer.***

16. *Within 60 days of the Cradle Valley reticulated sewer becoming available, wastewater from the development must be connected to the reticulated system.*
17. *Plumbing of water services must make provision for the future reuse of treated water for water closets, gardening and fire services. Within 60 days of the Cradle Valley reticulated re-use system becoming available, re-use water must be connected to the reticulated system.*
18. *Water tanks are to be provided on site to ensure sufficient water supply for normal household use.*
19. *Wastewater disposal is to be in accordance with the system design details as submitted and endorsed.*
20. *All services to the site are to be located underground and are to utilise common trenching.*
21. *Stormwater is to be disposed of in a manner, which does not adversely affect any building work, or cause any erosion or carrying of sediment into any natural watercourses to the satisfaction of Council's Environmental Health Officer.*
22. *Option Two of the Bush Fire Safety Assessment undertaken by Pitt and Sherry and dated January 2007 is to be implemented as part of the development.*
23. *20,000 litres of water for fire fighting purposes is to be provided on site to protect the guesthouse as reticulated water is not available in the case of fire. If water storage tanks are proposed as the source they must be fitted with a 64mm 5V thread male coupling to allow access by fire fighting services.*
24. *If the flow rate from the water supply cannot meet the required 270 litres per minute, a diesel or petrol-powered pump must be provided to specifications approved by the Tasmania Fire Service.*
25. *If visitor information material is to be provided to guests of the guesthouse, the information is to be in accordance with the Management Plan for the Belvoir Conservation Area.*
26. *No signage has been approved as part of this development. A further development application will be required for any advertising signage.*
27. *This permit will expire if the development is not substantially commenced within two years of the date of this permit.*

CARRIED UNANIMOUSLY

2. REPORT ON DEVELOPMENT PROPOSAL- Sheffield Market

GENERAL INFORMATION

Development Application Number: DA 07/13 **Property File Number:** 7840969

Date Application Lodged: 16/02/07 **42 Day Expiry Date:** 30/03/07

Address of Development: 66 High Street, Sheffield

Applicant: Kentish Chamber of Commerce

Development Proposal: Market

Zoning: Commercial

Land Capability Classification: N/A

Use Status of Proposed Development: Commercial

Existing Use: Road reservation/public purposes

Date Advertised: 3/3/07

Closing Date (14 days): 17/3/07

Number Adjoining Owners Notified: 27

Number of Representations: 2

Agencies Consulted: Nil

Matters Requiring Discretion: Display of goods for sale

REPORT

Proposal Description

The applicant proposes to establish a monthly market along High Street using the nature strip, town hall and parking area to the east of the town hall. The market would allow local businesses to exhibit their produce, such as wine, honey, craft, art, etc (refer **Attachment 3, page 45**)

The applicant is intending that 200 - 500 people would visit the market each month. It is proposed that the market would run from 9:30am till 4pm.

It is proposed that the market would operate on the second Saturday of each month, commencing on 10 March 2007. The market would incorporate a number of stalls along the nature strip from the corner of High and Main Streets up to the town hall itself. Stalls would also be located on the lawn area to the west of the youth centre and the community rooms. The number of stalls has not yet been determined – it is dependent on general interest in the market.

The stalls would be a minimum of 500 millimetres from the footpath and 2000 millimetres from all driveways.

A ten car boot sale is proposed to the east of the town hall, on the edge of King George V Park. Parking for 16 cars is also identified to the east of Council's existing offices.

An A-frame sign is proposed to advertise the market. This sign would be placed at the corner of High and Main Street, adjacent to the chemist. A permit for this sign will be applied for in accordance with Council's free-standing signs policy.

The applicant would be using a grant of \$2500 to establish the market, and notes that any profit would be directed into other community projects. Public liability insurance for \$10,000,000 has been arranged with a company by the name of Lloyds of London.

The first market on 10 March 2007 has already occurred. The market generated a significant level of activity and interest, and several issues became apparent through the operation of the market with respect to vehicular movements. These will be addressed below in the discussion.

Statutory Requirements

The proposed development is subject to the provisions of the Kentish Planning Scheme 2005, within which the site is part of the Commercial Zone.

The objectives of the Commercial Zone relate to the promotion and investment in commercial, business, tourism, community and public facilities in defined commercial precincts whilst also allowing for major tourism facilities and associated infrastructure and services. The applicable Scheme Standards for development in the Commercial Zone are described in Table 8.1 and in codes listed in Clause 8.4.2 of the Scheme.

Discussion

The relevant requirements of the Scheme have been listed below and will now be analysed. The relevant clause and title will be provided, and whether the proposal meets the acceptable solution (AS) or the performance criteria (PC) for each clause. Those clauses that are not applicable to the proposed development have not been discussed.

<i>Table of use classes</i>	<i>8.3</i>	<i>Allowable</i>
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The proposed market is classified by the Scheme as being part of the Business and Civic Use Class. This use class is an allowable use class in the Commercial Zone.

<i>Use of land</i>	<i>8.1.1</i>	<i>AS</i>
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This clause requires that an application for use or development in the Commercial Zone is to be for a commercial, tourism and public purposes. The proposed market would attract visitors to the area in the form of tourism, and is

also likely to attract residents of the region. The purpose of the market is therefore a combination of tourism, public purposes and commercial use, thus satisfying this clause.

Orientation and road access 8.5.1(a)

AS

The market must be accessible from both footpaths and from public roads. As noted, the proposed market would be located along the eastern side of High Street, and would incorporate a number of stalls along the nature strip from the corner of High and Main Streets up to the town hall itself. Each of the stalls would be accessible from both High Street and the footpath. Similarly, the car boot sale to the east of the town hall would be accessible from High Street. This clause is therefore satisfied.

Orientation and road access 8.5.1(b)

AS

This clause requires that the market is to be accessed via existing accesses. The stalls themselves would be accessed via High Street. The car boot sale would be accessed via the existing car park access, to the east of the town hall, thus satisfying this requirement.

Orientation and road access 8.5.1(c)

AS

The display of goods is not allowed to interfere with pedestrian flow or cause a safety hazard to pedestrians or traffic as part of this clause. To ensure this does not occur, a condition to this affect has been included.

Parking and Access

Location of parking

8.5.2(a)

PC

The acceptable solution to this clause prohibits the display of goods for sale from locations between commercial buildings and roads. As the stalls would be located between the existing buildings on High Street and High Street itself, compliance with the performance criteria must be demonstrated.

The performance criterion requires that the display of goods for sale is not to detract from the visual amenity of the area. The market would only occur on the second Saturday of every month, and would only operate from 9:30am till 4pm on that day.

There are a number and range of markets that operate in most municipalities across the State that occur on a far more regular basis than that proposed and involve major road closures. A major market is Salamanca Market in Hobart, which operates every Saturday and involves closure of a large road area. What is proposed here does not incorporate road closure, nor would it generate the same high level of activity experienced at Salamanca Market.

The visual impact of this market is likely to be low, as it would occur on only one Saturday per month. The infrequent nature of the market means that visual impact for the majority of the time would be low. On market days, the stalls would have minimal visual impact other than the activity of holders and visitors. The impact would not occur during the normal trading hours of Monday till Friday. As such, the performance criterion is considered satisfied by the application.

Parking and access 8.6.1(a) AS

This clause requires that parking is to be provided in accordance with the requirements of the Car Parking and Access Code, which are met will be discussed below.

Parking and access 8.6.1(b) AS

This clause requires that where delivery of goods is proposed, sufficient space must be provided for deliveries, unloading and manoeuvring of vehicles.

The market would incorporate setting up of stalls prior to the market, and removal following the market. Stall holder vehicles would be parked on the eastern side of High Street during market hours, to allow restocking of stalls during the market.

To ensure that parking of vehicles is appropriately located and does not interfere with pedestrian or vehicular movements, a condition to this affect has been included.

In addition to this requirement it should also be required as a condition of approval that no parking is to be allowed on the western side of High Street, to allow for sufficient area for passing motorists. It was noted at the first market that insufficient space was provided for two way traffic on High Street. To ensure that this does not occur again and cause a hazard, a condition to this affect has been included.

Parking provision 15.1.1 AS

It is proposed that parking associated with visitors to the market would be directed to the Don Store car park. It is anticipated that many visitors to the market would visit the site from the Main Street area as part of a visit to the township to Sheffield. It is likely, therefore, that visitors to the site would park in the Main Street area and walk to the market.

Nonetheless, the Scheme requires the provision 1 space per 50m² of floor area associated with the development. Based on the floor area of the town hall, a total of 6 parking spaces are required. These spaces are provided to the rear of the town hall.

Given that it is very difficult to calculate the floor area required for the market based on the floor area of the stalls, it is reasonable to direct visitors to the Don Store car park, which is able to cater for intermittent parking of the nature proposed.

As both the access and the parking area itself to the rear of the town hall are already constructed, conditions relating to drainage and construction are not required.

Residential amenity 8.8.1(a) AS

Where a commercial development adjoins an urban area the use must not create a loss of privacy, sunlight or create undue noise that would adversely affect the residents. No overshadowing is likely as a result of the proposed

market, as the stalls would not involve large structure that would affect sunlight availability.

The Scheme requires that the market must not exceed 45 decibels during the duration of the market. 35 decibels is equivalent to general background noise experienced within the average township. A 45 decibel limit is therefore likely to allow for low level noise such as would be associated with visitor activity as part of the market.

In terms of overlooking of habitable rooms, it is unlikely that the stallholders or visitors would have a detrimental impact upon the privacy of adjoining residences. A distance of approximately 18 metres separates the stalls to the nearest residences, meaning that overlooking would not exceed the level currently experienced as a result of passing motorists.

As the market would not compromise the amenity for existing residents, this clause is satisfied.

Traffic and parking impacts 8.9.2(a)

AS

This clause requires that the market is not to rely upon parking provision in the Urban Zone.

As discussed above, parking for the market would be provided by the Don Store car park and the town hall car park. Both these facilities are located within the Commercial Zone, thus satisfying this requirement.

Traffic and parking impacts 8.9.2(b)

AS

This clause requires that the market is not to generate an increase to more than 500 vehicles per day to surrounding residential streets.

Visitors to the market are most likely to come from the Main Street area, meaning that traffic would enter via the commercial area of Sheffield. As such, a significant increase in traffic volumes to surrounding residential streets is not likely to occur.

Access sight distances 20.1.2

AS

This clause requires that the market allows for clear sight distances of 80 metres in either direction.

A site inspection revealed that sight distances associated with the entry and egress to the Don Store car park would be obscured by the location of stalls right to the intersection of High and Main Streets. As such, the Manager Technical Services has determined that it is appropriate to restrict stall locations to the northern side of the entry to the Don Store car park. This would allow for sight distances and pedestrian and motorist safety to be retained.

Consultation Matters

Pursuant to Section 57(3) of the *Land Use and Planning Approvals Act 1993*, the proposed market was advertised to the public for a period of 14 days (3/3/07 – 17/3/07).

Two objections to the proposal were received (refer **Attachment 4, page 48**)

The key points of the first representation are summarised as follows:

- The town hall should be used as winter is approaching, rather than allowing stalls on the nature strip on High Street;
- There is a risk of accidents in using the nature strip;
- The southern side of the park should be used for stalls in good weather; and
- The Don Store car park should be used for car parking, rather than near to the town hall.

This representor has submitted that the town hall should be used for the market stalls, rather than the nature strip on High Street. It is, in fact, proposed as part of this application to use the town hall for the purpose of erecting stalls in addition to the stalls along High Street.

The issue of safety has been discussed above at length, and several conditions have been included with respect to location of stalls and parking arrangements. It is considered that these measures are sufficient to mitigate risk.

This application does not propose to use the park area for the location of stalls. The applicant has not proposed this location, and there are no planning grounds to require that stalls be relocated from the eastern road reservation of High Street to the park location.

In relation to car parking, it is proposed by this application to use the Don Store car park for parking associated with the market. The car boot sale would be located to the rear of the town hall, but there would be minimal activity at this location other than the arrival and departure of the boot sale holders. To ensure that both pedestrian and motorist safety is retained during market hours, a condition has been included that prohibits parking on the western side of High Street during market hours. The prohibition is to be signed to that affect.

The concerns of the second representor are summarised as follows:

- The market will create a dangerous situation on High Street;
- High Street is too narrow to accommodate vehicles parking on either side whilst safely allowing vehicles to pass; and
- Noise would be a major problem as the representor is a shift worker.

The issue of pedestrian and motorist safety has been discussed at length by the above assessment, and it has been concluded that to ensure safety is maintained a no parking area is to be established on the western side of High Street during market hours. This would allow vehicles to safely pass, without causing a hazard risk. In addition to this requirement, stalls have

been prohibited from the entry to the Don Store car park to the intersection of High and Main Streets, to provide adequate sight distance and to minimise impact on vehicular movements in the area. These measures have been required by the Manager Technical Services and will be monitored continuously throughout the operation of the market. Also in terms of ongoing monitoring, it should be required as a condition of approval that a traffic management plan be prepared and submitted to Council prior to the May market. The market operators must then implement any recommendations of that plan, through liaison with the Manager Technical Services.

The issue of noise has been discussed above in 8.8.1(a). It is anticipated that the level of noise generated by the market would be only slightly above background noise level, which would not cause a nuisance to residents of the area.

One of the potential noise generating activities not covered by the Scheme is busking. Though not covered by the Scheme, it would be reasonable to require that busking (if proposed) only occur for periods of 30 minutes at a time with breaks of 15 minutes between busking periods to ensure that the potential for noise impact is mitigated. To ensure this practice is adopted, a condition to this effect has been included.

Conclusion

This application is for the establishment of a market along the eastern side of High Street from Main to Albert Streets and within the town hall and surrounds. The market is an allowable use in the zone and satisfies the relevant development standards.

The most significant issues with respect to the operation of the market are traffic movements and parking. Noise levels associated with the market are likely to be low, however to ensure that busking activities do not cause a problem for nearby residents a time limit has been placed on the amount of time each busker may play, without taking a break.

Several conditions have been included with respect to movement of vehicles, location of stalls and no parking on part of High Street during market hours to ensure that motorist and pedestrian safety is not compromised.

The concerns of the representors have been considered, and appropriate conditions have been applied to address some of the concerns raised.

The proposed market satisfies the relevant provisions of the Scheme and should be approved, subject to the conditions below.

Qualified Recommendation

Pursuant to the Kentish Planning Scheme 2005, the application for a market at the Sheffield Town Hall, the eastern side of High Street from Main to Albert Street and land to the east of the Town Hall, be approved subject to the following conditions:

- 1. This permit is only for a market as per the endorsed plans.***
- 2. The market is only permitted to operate during the hours of 9:30am till 4pm, on the second Saturday of each month accept where approved by the General Manager in writing.***
- 3. The outdoor stalls are restricted to the nature strip on the eastern side of High Street between the northern entrance to the Don Store Car Park and 30m south of the Albert Street intersection.***
- 4. No stalls are to be permitted in front of the town hall and Council offices to allow safe access and egress from the buildings.***
- 5. The stalls are to be located a minimum of 500mm from the footpath and 2000mm from all driveways.***
- 6. The car boot sale part of the market must be located on the car park are adjacent to the Art Space (Drill Hall) building.***
- 7. All paths and driveways located within the area of the market are to be left clear for access.***
- 8. The use of the footpaths for the sale of goods (stalls) is not to interfere with pedestrian flow nor cause a safety hazard to pedestrians or traffic, to the satisfaction of the Manager Technical Services;***
- 9. No delivery of goods to/from stalls is interfere with pedestrian or traffic flow.***
- 10. No parking is to be permitted on western side of High Street during market hours between the access to 45 High Street and 71 High Street. Appropriate signage to reflect this prohibition is to be erected during market hours, to the satisfaction of the Manager Technical Services.***
- 11. A traffic management plan is to be submitted to Council prior to the May market. This plan is to be reviewed as directed by the Manager Technical Services.***
- 12. Busking may only occur for periods of 30 minutes at a time, with breaks of 15 minutes between busking periods.***
- 13. Free-standing advertising signage is to be applied for through Council's policy on free-standing signs.***
- 14. A copy of the public liability insurance cover for the market is to be forwarded to Council prior to the April market.***
- 15. All food stall holders must apply to Council for registration of a food business.***
- 16. This permit will expire if the development is not substantially commenced within two years of the date of this permit.***

Assessed by: Kate Guinane
Planning Consultant
Lester Franks Survey & Geographic Pty. Ltd.
28 March 2007

Reviewed by: Robyn Barwick
Planning Coordinator
Technical Services

Matthew Greskie
Manager

[Position of stalls along High Street for Market](#)
[RC Murfet - Objection to DA 07/13 Sheffield Town Market](#)
[Shane Folev - Objection to DA 07/13](#)

Motion:

Cr. Muir moved and Cr. Thwaites seconded that pursuant to the Kentish Planning Scheme 2005, the application for a market at the Sheffield Town Hall, the eastern side of High Street from Main to Albert Street and land to the east of the Town Hall, be approved subject to the following conditions:

- 1. This permit is only for a market as per the endorsed plans.***
- 2. The market is only permitted to operate during the hours of 9:30am till 4pm, on the second Saturday of each month accept where approved by the General Manager in writing.***
- 3. The outdoor stalls are restricted to the nature strip on the eastern side of High Street between the northern entrance to the Don Store Car Park and 30m south of the Albert Street intersection.***
- 4. No stalls are to be permitted in front of the town hall and Council offices to allow safe access and egress from the buildings.***
- 5. The stalls are to be located a minimum of 500mm from the footpath and 2000mm from all driveways.***
- 6. The car boot sale part of the market must be located on the car park are adjacent to the Art Space (Drill Hall) building.***
- 7. All paths and driveways located within the area of the market are to be left clear for access.***
- 8. The use of the footpaths for the sale of goods (stalls) is not to interfere with pedestrian flow nor cause a safety hazard to pedestrians or traffic, to the satisfaction of the Manager Technical Services;***
- 9. No delivery of goods to/from stalls is interfere with pedestrian or traffic flow.***
- 10. No parking is to be permitted on western side of High Street during market hours between the access to 45 High Street and 71 High Street. Appropriate signage to reflect this prohibition***

is to be erected during market hours, to the satisfaction of the Manager Technical Services.

- 11. A traffic management plan is to be submitted to Council prior to the May market. This plan is to be reviewed as directed by the Manager Technical Services.*
- 12. Busking may only occur for periods of 30 minutes at a time, with breaks of 15 minutes between busking periods.*
- 13. Free-standing advertising signage is to be applied for through Council's policy on free-standing signs.*
- 14. A copy of the public liability insurance cover for the market is to be forwarded to Council prior to the April market.*
- 15. All food stall holders must apply to Council for registration of a food business.*
- 16. This permit will expire if the development is not substantially commenced within two years of the date of this permit.*

Amendment to Motion

As an amendment to the motion Cr. Jordan moved and Cr. Thwaites seconded that pursuant to the Kentish Planning Scheme 2005, the application for a market at the Sheffield Town Hall, the eastern side of High Street from Main to Albert Street and land to the east of the Town Hall, be approved subject to the following conditions::

- 1. This permit is only for a market as per the endorsed plans.*
- 2. The market is only permitted to operate during the hours of 9:30am till 4pm, on the second Saturday of each month accept where approved by the General Manager in writing.*
- 3. The outdoor stalls are restricted to the nature strip on the eastern side of High Street between the northern entrance to the Don Store Car Park and 30m south of the Albert Street intersection.*
- 4. No stalls are to be permitted in front of the town hall and Council offices to allow safe access and egress from the buildings.*
- 5. The stalls are to be located a minimum of 500mm from the footpath and 2000mm from all driveways.*
- 6. The car boot sale part of the market must be located in the Don Store Car Park and is restricted to marked parking spaces on the High Street boundary with the exception of the disabled parking spaces and adjacent to the Masonic Lodge building.*
- 7. All paths and driveways located within the area of the market are to be left clear for access.*
- 8. The use of the footpaths for the sale of goods (stalls) is not to interfere with pedestrian flow nor cause a safety hazard to pedestrians or traffic, to the satisfaction of the Manager Technical Services;*
- 9. No delivery of goods to/from stalls is interfere with pedestrian or traffic flow.*

10. *No parking is to be permitted on western side of High Street during market hours between the access to 45 High Street and 71 High Street. Appropriate signage to reflect this prohibition is to be erected during market hours, to the satisfaction of the Manager Technical Services.*
11. *A traffic management plan is to be submitted to Council prior to the May market. This plan is to be reviewed as directed by the Manager Technical Services.*
12. *Busking may only occur for periods of 30 minutes at a time, with breaks of 15 minutes between busking periods.*
13. *Free-standing advertising signage is to be applied for through Council's policy on free-standing signs.*
14. *A copy of the public liability insurance cover for the market is to be forwarded to Council prior to the April market.*
15. *All food stall holders must apply to Council for registration of a food business.*
16. *Immediately upon conclusion of the market all debris is to be collected and removed for the High Street area.*
17. *This permit will expire if the development is not substantially commenced within two years of the date of this permit.*

Those in favour of the amendment

*Crs. Braid, Sherriff,
Thwaites, Jordan, Muir,
Lambert, Burrows and
Deverell*

The amendment was therefore

CARRIED

The amendment became the Motion

Those in favour of the Motion

*Crs. Braid, Sherriff,
Thwaites, Jordan, Muir,
Lambert, Burrows and
Deverell*

The motion was therefore

CARRIED UNANIMOUSLY

Recommendation:

That the Planning Authority session close and Council recommence its ordinary meeting under the provisions of the Local Government Act 1993.

Motion:

Cr. Jordan moved and Cr. Burrows seconded that the Planning Authority session close and Council recommence its ordinary meeting under the provisions of the Local Government Act 1993.

CARRIED UNANIMOUSLY

Sealing Schedule

Recommendation:

1. Easement over a portion of 69 High Street Sheffield

In order for the Kentish Council Office development to proceed, to comply with the planning scheme a condition to ensure safe access to the development was required. To enable this, Council seek a right of way over a portion of Tim and Merran Dyer's property. To facilitate this the Dyer's will also require a right of way over a small portion of Council's land. This will give both parties access to the full width of the proposed driveway.

Due to a need to progress this promptly, the general manager has signed a transfer to make this occur (refer **Attachment 5, page 51**). Council ratification of this action is necessary.

Recommendation:

That Council:

Ratify the signature of the General Manager for the creation of an easement over a portion of 69 High Street Sheffield.

Motion:

Cr. Muir moved and Cr. Lambert seconded that Council ratify the signature of the General Manager for the creation of an easement over a portion of 69 High Street, Sheffield.

CARRIED UNANIMOUSLY

2. Easement over a portion of 69 High Street Sheffield

In order for the Kentish Council Office development to proceed, to comply with the planning scheme a condition to ensure safe access to the development was required. To enable this, Council seek a right of way over a portion of Tim and Merran Dyer's property. To facilitate this the Dyer's will also require a right of way over a small portion of Council's land. This will give both parties access to the full width of the proposed driveway.

Another landlocked block owned by Shaun Ferguson will have its access issues resolved if they are also included in this arrangement.

Due to a need to progress this promptly, the general manager has signed a transfer to make this occur (refer **Attachment 5, page 51**). Council ratification of this action is necessary.

Recommendation:

That Council:

Ratify the signature of the General Manager for the creation of an easement over a portion of 69 High Street Sheffield.

Motion:

Cr. Burrows moved and Cr. Lambert seconded that Council ratify the signature of the General Manager for the creation of an easement over a portion of 69 High Street, Sheffield.

CARRIED UNANIMOUSLY

[Doolan and Brothers - Signed Transfer of Easement to Shaun Ferguson and Tim and Merran Dyer](#)

As there was no further business, the meeting was declared closed at 7.24 pm.

ConfirmedMayor

ATTACHMENTS