

dorset
C O U N C I L

Ordinary Agenda

Council Meeting

21 November 2022

it's in the making

Qualified Persons Advice

The *Local Government Act 1993*, Section 65, 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 and a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the Council with the general managers certification.

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

- a. the advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- b. 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.

Notification of Council Meeting

NOTICE is given that the next Ordinary Meeting of the Dorset Council will be held on Monday, 21 November 2022 at the **Multi-Function Centre (Upstairs), Bridport Recreation Ground, South Street, Bridport** commencing immediately after the conclusion of the Annual General Meeting which will commence at 6:00 pm.

Council is also holding a drop in session from 5:30 pm for any interested community members to come and meet their new Councillors and ask questions in an informal setting.

Members of the public are invited to attend in person, however, due to recommended physical distancing guidelines, the number of persons able to attend is limited. Any member of the public who wishes to attend the meeting **must** register their details with Executive Assistant, Sarah Forsyth by **3:00 pm Monday 21 November 2022** via email gm@dorset.tas.gov.au or by calling 03 6352 6500. A recording of the Council Meeting, except for any part held in Closed Session, will be made available to the public as soon as practicable after the Meeting via Council's website and social media.



JOHN MARIK
Acting General Manager

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**Council Meeting
Agenda
21 November 2022**

***Aunty Patsy Cameron to conduct Welcome to Country prior to the commencement of the Council Meeting*

Meeting Opened:

Present:

Apologies: Director – Community & Development: Rohan Willis

Item 179/22 Confirmation of Ordinary Council Meeting Minutes – 17 October 2022
Ref: DOC/22/12076

The Chair reported that he had viewed the minutes of the Ordinary Meeting held on Monday, 17 October 2022 finds them to be a true record and recommends that they be taken as read and signed as a correct record.

Recommendation

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 17 October 2022 having been circulated to all Councillors, be confirmed as a true record.

The Chair to ask Councillors if there are any questions they wish to ask in relation to the Closed Session Minutes that would require them to be discussed in Closed Session.

Item 180/22 Confirmation of Ordinary Council Meeting Closed Session Minutes 17 October 2022
Ref: Councillors Only: DOC/22/12128

The Chair reported that he had viewed the minutes of the Ordinary Meeting Councillors Only Closed Session held on Monday 17 October 2022, finds them to be a true record and recommends that they be taken as read and signed as a correct record.

Recommendation

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting Councillors Only Closed Session held on 17 October 2022 having been circulated to all Councillors, be confirmed as a true record.

Item 181/22

Confirmation of Special Council Meeting Minutes – 28 October 2022

Ref: DOC/22/12878

The Chair reported that he had viewed the minutes of the Special Meeting held on Friday, 28 October 2022 finds them to be a true record and recommends that they be taken as read and signed as a correct record.

Recommendation

That the Minutes of Proceedings of the Dorset Council Special Meeting held on 28 October 2022 having been circulated to all Councillors, be confirmed as a true record.

The Chair to ask Councillors if there are any questions they wish to ask in relation to the Closed Session Minutes that would require them to be discussed in Closed Session.

Item 182/22

Confirmation of Special Council Meeting Closed Session Minutes 28 October 2022

Ref: Councillors Only: DOC/22/12788

The Chair reported that he had viewed the minutes of the Special Meeting Councillors Only Closed Session held on Friday 28 October 2022, finds them to be a true record and recommends that they be taken as read and signed as a correct record.

Recommendation

That the Minutes of Proceedings of the Dorset Council Special Meeting Councillors Only Closed Session held on 28 October 2022 having been circulated to all Councillors, be confirmed as a true record.

Item 183/22

Confirmation of Special Council Meeting Minutes – 8 November 2022

Ref: DOC/22/12944

The Chair reported that he had viewed the minutes of the Special Meeting held on Tuesday, 8 November 2022 finds them to be a true record and recommends that they be taken as read and signed as a correct record.

Recommendation

That the Minutes of Proceedings of the Dorset Council Special Meeting held on 8 November 2022 having been circulated to all Councillors, be confirmed as a true record.

Recommendation

That Council confirm the Agenda and order of business for the 21 November 2022 Council Meeting.

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015* and Council's adopted Code of Conduct, the Mayor requests Councillors to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary interest or pecuniary detriment) or conflict of interest in any item on the Agenda.

INTEREST DECLARED

The purpose of this agenda item is to provide Councillors and the community with a briefing on matters of interest dealt with during the past month by Council's Management Team.

Approved Applications

	Approved October	Approved 2022 YTD	Approved 2021 YTD
Planning	16	133	153
Building	11	112	133
Plumbing	3	56	81

See attachments for detailed information about applications approved in October 2022.

Complete 2022/23

Completed in October 2022

PROJECT	PROJECT PHASE
BRIDGES	
Bridge 1507 Garibaldi Road - timber superstructure renewal	
Bridge 1512 Barnett Road – re-deck	
Bridge 1540 West Maurice Road – re-deck	
Bridge 1620 Cuckoo Road – re-deck	
Bridge 1515 Maurice Road - upgrade to concrete	Tenders Called
Bridge 1617 Duncraggen Road - upgrade to concrete	Tenders Called
ROADS - RESHEETING	
Shanty Road, North Scottsdale	
Scott Street, Scottsdale	Complete
Duncraggen Road, Jetsonville	
Upper Brid Road, West Scottsdale	Commenced
Lisle Road, Nabowla	
Knights Road, Nabowla	
Cuckoo Road, Scottsdale	
Banca Road, Winnaleah	Commenced
ROADS - RESEALS	
Telita Road	Tender Awarded
Gladstone Road	Tender Awarded
North Scottsdale Road	Tender Awarded
Gillespies Road	Tender Awarded
Main Road, Pioneer	Tender Awarded
Charles Street, Pioneer	Tender Awarded
Moore Street, Pioneer	Tender Awarded
Alfred Street, Pioneer	Tender Awarded
FOOTPATHS	
Main Street, Bridport - from top of roundabout to South Street (Asphalt) (carried forward)	Commenced
Port Hills extension	
STORMWATER	
Main Street, Bridport - upgrade existing 525 pipeline to 900 and install new side entry pits	Design
Union Street, Scottsdale - upgrade existing pipeline lower end of Union Street	
Bentley Street, Bridport - upgrade existing 525 pipeline to 900	Design
Bridport - stormwater pit replacements in Walter Street and South Street (carried forward)	Design
Urban Stormwater Management Plans (carried forward)	Commenced

ROADS - OTHER

Carisbrook Lane - complete works McDougalls Road intersection	Awaiting property owner commitment
Carisbrook Lane - underpass contribution	Awaiting property owner commitment
Golconda Road - straighten road alignment and upgrade culvert Lone Star Creek	Planning
Cascade Dam Road safety improvements including new stormwater pipeline	Commenced
Victoria Street, Scottsdale - upgrade	Commenced
CWA Carpark Bridport - extend existing carpark	Planning
Main Street, Derby - extend existing kerb, footpath and stormwater	Planning
Old Waterhouse Road - safety improvements and upgrade	Grant Deed Pending
Golconda Road - widening design (carried forward)	Commenced
Golconda Road (Stage 4) - from Chainage 1,600 to Gillespies Road (carried forward)	Commenced
Albert Street, Bridport - replace kerb between Main Street and Thomas Street, west side (carried forward)	Commenced
Cairns Close, Tomahawk - repair seal (carried forward)	Commenced

LAND IMPROVEMENTS

Redevelopment of old Derby depot site and trail head (including car park and amenities block)	Commenced
Redevelopment of old Derby depot site and trail head (including car park and amenities block) (carried forward)	Commenced
Derby Park - play equipment replacement	Ordered
Scottsdale Sports Stadium - carpark reseal	Planning
Ellesmere and Bridport Cemetery - seating and memorial wall upgrades	Planning
Scottsdale Waste Transfer Station - compacted gravel sheeting in yard (steel area)	
Rail Trail (carried forward)	Awaiting approvals
Main Street, Bridport - replace children's crossing poles	
Bridport Seaside Caravan Park - bollards around fire hydrants	Commenced
Northeast Park - MTB Trails (carried forward)	
Green Flow Trail Derby (carried forward)	Commenced
Blue Derby Mountain Bike Trails - Enduro World Series 2023	Planning
Bridport Football Club Ball Retrieval Safety Net (carried forward)	BFC responsible for project
Bridport Netball Courts - Lighting Upgrade (carried forward)	Complete
Gladstone Pump Track (carried forward)	Pending land transfer
Derby EV Fast Charging Station (carried forward)	Commenced

BUILDINGS

Scottsdale Sports Stadium - floor recoat	Planning
Sideling toilets - extra solar panels for cameras	Planning
Council Chambers - power upgrade stage 2	Commenced
Bridport Pavilion toilets - tile floors and repaint walls	Planning
Derby Park toilets – re-grout showers and handrail on verandah	Planning
Gladstone Hall - new vertical blinds	Ordered
Scottsdale Visitor Information Centre - replace windows	
Alfred Street, Scottsdale toilets - replace cisterns	
Replacement of security key system	Planning
Scottsdale Depot storage	Commenced
Derby Hall - 10 collapsible tables	Ordered
Scottsdale Railway Station Restoration	Rotary Project
Australian Mountain Bike Museum (Derby)	Grant Unsuccessful
Bridport Seaside Caravan Park - Goftons Beach amenities - shower timers	
Scottsdale and Bridport Depots - upgrade to security alarm panels	
New Derby Depot (carried forward)	Commenced
Gladstone Hall - new septic tank (carried forward)	
Branxholm Town Hall - new sink and hot water service	Planning
Bridport Seaside Caravan Park - 2 washing machines and 2 dryers	Ordered
Building Renovations (Proposed Workers Accommodation) - 71 Main St Derby (carried forward)	Blue Derby Foundation Project
Bridport Football Club viewing deck (carried forward)	BFC responsible for delivering project
Amenities Upgrade Bridport Football/Cricket Clubrooms (carried forward)	Commenced

Recommendation

That the Management Team Briefing Report be received and noted.

Item 187/22 Council Workshops Held Since Last Council Meeting

8 November | Briefing Workshop

- Waste Management Charge Remissions
- Section 137 Property Sales (Unpaid Rates)
- September Quarterly Results Discussion
- 2021/22 Annual Report
- Legal Fees Discussion
- Dorset Roads Package
- Appointment of Councillor Representatives on Council and Community Committees
- Draft Meeting Dates 2023
- Briefing Reports and Question Time
 - Mayors Report and Correspondence

- Management Team Updates
 - Overview of Teams by Directors
 - Acting General Manager Items
- General Manager Update (Councillors Only)

Item 188/22 Councillor Applications for Leave of Absence

Item 189/22 Public Question Time

The following questions were received on notice from a member of the public:

Lawrence Archer, Bridport | 10 October 2022

Some businesses in the Council area have card readers accepting donations for the maintenance of bike trails. Do these card readers belong to Council and into whose bank account are the funds transferred?

Response from Acting General Manager, John Marik:

The tap and go terminals were purchased by the Blue Derby Foundation through money donated into the Foundation by local businesses. The terminals were purchased up-front and attract a monthly fee. The Foundation receive the donations and pass through money back to Council net of monthly bank fees and other expenses linked to the tap and go terminals.

Lawrence Archer, Bridport | 13 November 2022

In June of this year the Minister for Local Government wrote to all Mayors urging Councils to adopt a "Caretaker Provisions Policy" prior to the recent Council elections and included a suggested template.

Did the Council consider the adoption of a policy as the Minister suggested, and if not why not?

Response from Mayor Greg Howard:

Yes, we considered the advice from the Minister, however, we did not agree it was necessary.

The following questions were received without notice from members of the public:

The following questions were taken on notice at the 17 October 2022 Council Meeting:

Former Councillor Wendy McLennan:

(in relation to Rail Trail)

How much have we paid in legal fees for the appeal?

Response from Acting General Manager, John Marik:

Legal fees amount to \$24,989 linked to the appeal. Application for costs is sitting with the Tasmanian Civil and Administrative Tribunal (TASCAT) awaiting determination.

Councillor Edwina Powell:

Talking about Derby, who owns the tap and donate machines located in businesses around town and how does that money get transferred to Dorset Council accounts?

Response from Acting General Manager, John Marik:

The tap and go terminals were purchased by the Blue Derby Foundation through money donated into the Foundation by local businesses. The terminals were purchased up-front and attract a monthly fee. The Foundation receive the donations and pass through money back to Council net of monthly bank fees and other expenses linked to the tap and go terminals.

Purpose

The purpose of this agenda item is to present to Councillors and the community the financial performance for the 3 months ended 30 September 2022.

Background

The Dorset Council Year to Date Financial Report for period ended 30 September 2022 provides information on income and expenditure budget variations and the status of current capital projects.

Planning, Environment & Statutory Requirements

Local Government Act 1993 - Sections 82(4) and (5) enable Council to vary the budget during the course of the year.

Financial & Asset Management Implications

Please refer to the notes in regards to the variances between the actual and budget estimates below.

Officer's Comments

For the 3 months ended 30 September 2022 Council recorded an adjusted underlying surplus of \$416,000, compared to a budget of \$420,000 (\$4,000 below budget).

The reduced adjusted underlying surplus is a result of operating income including gain on disposal of assets being \$7,000 below budget and operating expenses being \$3,000 below budget. A decrease in income expected from rates and user charges had the most material impact on results due to the application of remissions for waste management charges that were not included in budget estimates and a decrease in income expected from sponsorships and commissions for the Blue Derby Accommodation Booking Platform. These variances are discussed in further detail below.

Council also recorded a gain on disposal of assets of \$78,000 which was unbudgeted in the 2022/23 financial year. Notably, this figure includes a gain of \$55,000 received from the sale of 2 Alfred St, Scottsdale (the Scott Centre), which was finalised during the quarter.

Additional factors that will likely materially impact results for the remainder of the 2022/23 financial year include:

- The municipality has been seriously impacted from flooding in some areas and additional expenditure (both operational and capital) will be required to repair the damage sustained to Council assets. Council Officers are still in the process of costing these works, however, priority will be given to these projects and as a result, it is likely that some of the 2022/23 Capital program will be deferred into the 2023/24 financial year.

- Depreciation and amortisation expense will be higher than budgeted for in the 2022/23 year, as assets were indexed at levels well above the national Consumer Price Index (CPI) at 30 June 2022. Council Officers liaised with the Tasmanian Audit Office during the budgeting process and were advised that indexing may not be required, however, inflation increased rapidly between April and June 2022 which had a material impact on asset values and current replacement costs.
- Inflation continues to rise, with the national CPI for the twelve months to September 2022 increasing to 7.3% (Hobart - 8.6%) - the highest recorded for 30 years. Further increases to CPI are expected in the months ahead and this will impact Council as the cost of materials and services increase accordingly.

Significant income and expense variances are outlined further below.

Statement of Comprehensive Income

For the period ended

30 September 2022

	Note	Current Financial Year				Prior Financial Year	
		YTD Budget \$'000	YTD Actual \$'000	Budget Variance \$'000	Budget Variance %	YTD Actual \$'000	YTD Variance %
Operating Income							
Rates and charges	6	2,308	2,259	(49)	(2.1%)	2,062	9.6%
Statutory fees		51	52	1	2.0%	49	6.1%
User charges	7	258	170	(88)	(34.1%)	202	(15.8%)
Grants and contributions	1	1,162	1,192	30	2.6%	1,100	8.4%
Interest	2	20	40	20	100%	16	150.0%
Other income		55	65	10	18.2%	116	(44.0%)
Investment income from Water Corporation		58	49	(9)	(15.5%)	49	0.0%
Total Operating Income		3,912	3,827	(85)	(2.2%)	3,594	6.5%
Capital Income							
Capital grants and contributions	3	851	1,205	354	41.6%	671	79.6%
Gain/(loss) on disposal of assets	4	-	78	78	100.0%	-	100.0%
Total Capital Income		851	1,283	432	50.8%	671	91.2%
Total Income		4,763	5,110	347	7.3%	4,265	19.8%
Expenses							
Employee costs	5	1,106	1,075	31	2.8%	1,024	5.0%
Materials and services		751	744	7	0.9%	601	23.8%
Finance costs		19	20	(1)	(5.3%)	49	(59.2%)
Other expenses		465	457	8	1.7%	426	7.3%
Depreciation and amortisation	8	1,151	1,193	(42)	(3.7%)	1,151	3.6%
Total Expenses		3,492	3,489	3	0.1%	3,251	7.3%
Net result for the period		1,271	1,621	350	27.5%	1,014	59.9%
<i>Less: Capital grants and contributions</i>		(851)	(1,205)	(354)	41.6%	(671)	79.6%
Adjusted underlying result for the period		420	416	(4)	(1.0%)	343	21.3%
<i>Less: Adjustment for prepayment of FA grants</i>	1	(711)	(711)	-	0.0%	(284)	150.4%
<i>Less: Roads to Recovery funding</i>	3	(188)	(188)	-	0.0%	(188)	0.0%
Statutory underlying result for the period		(479)	(483)	(4)	0.8%	(129)	274.4%

Notes on significant operational variances

Favourable Variances

1. Grants and contributions (Operating) | \$30,000

Operating grants and contributions are \$30,000 above budget (up 2.6%) as a result of an increase in the amount received under the Financial Assistance Grants (FA Grants) program.

In August, Council received a revised estimate from the State Grants Commission for the 2022/23 FA grant entitlement, which is now expected to be \$3.9 million (budgeted at \$3.8 million). This revised estimate takes into account the latest population estimates for the municipality, as well as the actual national CPI movement for the March 2022 quarter, both of which were unknown when initial estimates were provided. As a result, Council expects FA grants to be \$120,000 above budget by year end.

In comparison to the same period last financial year, operating grants and contributions have increased by \$92,000 (up 8.4%).

* Please note that Council have reported FA grants on an accruals basis and have included the impact of the prepayment received last financial year in the budget estimates and actuals presented. Council's statutory reports recognise FA grants on a cash basis so the prepayment amount has been backed out of the adjusted underlying result in the Statement of Comprehensive Income to show the statutory underlying result for the period. Prior year figures have also been adjusted for comparability.

2. Interest | \$20,000

Interest is \$20,000 above budget (up 100.0%) as a result of higher than expected interest rates received on Council's term deposits.

In comparison to the same period last financial year, interest has increased by \$24,000 (up 150.0%).

3. Grants and contributions (Capital) | \$354,000

Capital grants and contributions are \$354,000 above budget (up 41.6%) as a result of receiving final grant instalments for stage 1 & 2 of the Carisbrook Lane, Legerwood upgrade which were not included in budget estimates for the 2022/23 year.

Capital grant funding is recognised based on the percentage of work complete for each project, for e.g. if 50% of a project is complete, 50% of the grant funding is recognised as income in the report. Consequently, almost all budget variances reported are the result of the timing of works completed and do not represent an increase or decrease in the amount of funding to be received.

In comparison to the same period last financial year, capital grants and contributions have increased by \$534,000 (up 79.6%).

* Please note that grant funding received under the Roads to Recovery program has been reported under operational grant income, as previously it was deemed to be recurrent in nature. This funding is now primarily used to assist Council fund capital road works and will be recognised as capital income in financial reports moving forward. As a result, this amount has been backed out of the adjusted underlying result shown in the Statement of Comprehensive Income. Prior year figures have also been adjusted for comparability.

4. Gain/(loss) on disposal of assets | \$78,000

Gain/(loss) on disposal of assets is \$78,000 above budget (up 100.0%) as a result of the disposal of several Council assets which were not included in budget estimates for the 2022/23 financial year.

The sale of 2 Alfred Street, Scottsdale (the Scott Centre) was finalised this quarter and 35ML of water irrigation rights from the Scottsdale Irrigation Scheme were also sold during the period.

In comparison to the same period last financial year, gain/(loss) on disposal of assets has increased by \$78,000 (up 100.0%).

5. Employee costs | \$31,000

Employee costs are \$31,000 below budget (down 2.8%) as a result of a decrease in the amount of overtime required during the period and a delay in recruiting two administration positions that were budgeted for the full financial year.

Council are also still in the process of finalising the 2022 Enterprise Agreement and have committed to applying any increases agreed upon from the first full pay period in the 2022/23 financial year. Therefore, the results reported also include an estimate of these costs based on the current offer that has been made to employees.

In comparison to the same period last financial year, employee costs have increased by \$51,000 (up 5.0%).

Unfavourable Variances

6. Rates and charges | (\$49,000)

Rates and charges are \$49,000 below budget (down 2.1%) as a result of remissions applied for rates and waste management charges that were not included in budget estimates for 2022/23 financial year, along with yet to be received supplementary rate valuations.

At the time of this report, Council expect remissions to total \$335,000 for the full financial year, of which \$278,000 relates to the remission of the varied waste management charge as a result of Council reducing the amount payable in Winnaleah and Branxholm to \$1,920 for each eligible property, reducing the amount payable to the standard waste management charge (\$120) for ratepayers who supplied evidence that their properties were not used for commercial purposes and reducing the amount payable to one charge per property for those that are tenured and have separate valuations for separate dwellings located on the property. Unbudgeted general rate remissions are expected to amount to \$56,000 for the full financial year. Unbudgeted waste management charge remissions are expected to amount to \$48,000 for the full financial year.

The budget for rates and charges also includes an estimate of income expected to be received from supplementary rate valuations resulting from property status changes, e.g. subdivisions or construction of new dwellings that occur throughout the year. The receipt of this income is conditional on Council receiving updated valuations from The Office of the Valuer-General as they occur. Council budgeted approximately \$100,000 for supplementary valuations for the full financial year, however, as these supplementary valuations are still with The Office of the Valuer-General there is no income in the September actual results.

In comparison to the same period last financial year, rates and charges have increased by \$197,000 (up 9.6%).

7. User charges | (\$88,000)

User charges are \$88,000 below budget (down 34.1%) as a result of a decrease in income received from camping fees at the Bridport Seaside Caravan Park and Derby Park as well as a decrease in income expected from sponsorships and commissions for the Blue Derby Accommodation Booking Platform. The booking platform is a great initiative for Derby and surrounding areas, however, it is still in early stages and will take time to reach its full potential.

In comparison to the same period last financial year, user charges have decreased by \$32,000 (down 15.8%).

8. Depreciation and amortisation | (\$42,000)

Depreciation and amortisation is \$42,000 above budget (up 3.7%) as a result of the indexation of assets at 30 June 2022 at levels higher than CPI, as mentioned above.

In comparison to the same period last financial year, depreciation and amortisation has increased by \$42,000 (up 3.7%).

Breakdown of Other Expenses

For the period ending
30 September 2022

Other expenses	Note	Current Financial Year				Prior Financial Year	
		YTD Budget \$'000	YTD Actual \$'000	Budget Variance \$'000	Budget Variance %	YTD Actual \$'000	YTD Variance %
State levies, licences and taxes		135	131	4	3.0%	123	6.5%
Insurance		47	47	-	0.0%	38	23.7%
Councillors' allowances		44	43	1	2.3%	41	4.9%
IT/Communications		53	40	13	24.5%	35	14.3%
Subscriptions and memberships		40	41	(1)	(2.5%)	36	13.9%
Professional development		7	8	(1)	(14.3%)	11	(27.3%)
Community grants and donations	1	30	13	17	56.7%	27	(51.9%)
Advertising and Marketing		12	16	(4)	(33.3%)	17	(5.9%)
External audit fees		10	6	4	40.0%	6	0.0%
Bank fees and postage		13	11	2	15.4%	11	0.0%
Other expenses	2	74	101	(27)	(36.5%)	81	24.7%
Total other expenses		465	457	8	1.7%	426	7.3%

Notes on significant variances

1. Community grants and donations | \$17,000

Community grants and donations are \$17,000 below budget as a result of the timing of the payments made under Council's Community Grants Program and does not reflect a decrease in the actual amount to be paid for the full year.

2. Other expenses | (\$27,000)

Other expenses are \$27,000 above budget as a result of the timing of event sponsorship/donation payments for events such as the Dorset Christmas Parade and Bridport Splash (Australia Day), which are reported under this category.

Capital Works Summary

For the period ending
30 September 2022

	Actual Year to Date	Project Budget	Variance	Budget Utilised
	\$'000	\$'000	\$'000	%
Bridges	11	856	845	1.3%
Roads	727	5,080	4,353	14.3%
Footpaths	-	85	85	0.0%
Stormwater	11	475	464	2.3%
Buildings	67	699	632	9.6%
Land Improvements	142	3,199	3,057	4.5%
Plant	99	1,250	1,151	7.9%
IT	99	273	174	36.3%
Total Capital Works	1,156	11,917	10,761	9.7%

The Infrastructure team have made a strong start to the year with 9.7% of the capital budget utilised for the 3 months ended 30 September 2022. The first quarter of each financial year is not truly indicative of where Council is from a budget utilisation percentage, with most projects commencing in the first quarter and payment taking place in latter quarters. Most project completion historically occurs during the second quarter onwards. Progress has been hampered slightly by material constraints and unfavourable weather conditions and this is expected to continue to impact progress during the next quarter.

For this period, the majority of the capital spend under roads relates to the Victoria Street reconstruction and the Cascade Dam Road safety upgrade, whilst a considerable portion of the capital spend under buildings and land improvements relates to the redevelopment of the Derby Trail Head, including the new amenities block.

As previously mentioned, subsequent to this reporting period, the municipality has been impacted by severe flooding which has caused extensive damage to some of Council's assets, including the Blue Derby Mountain Bike Trails and various road and bridge infrastructure. Council will prioritise works in these areas, and defer other projects from the 2022/23 capital program as necessary.

Recommendation

That Council receive the Financial Report for the period ended 30 September 2022.

Purpose

The purpose of this agenda item is to authorise officers to recover outstanding rate debt pursuant to section 137 of the *Local Government Act 1993* (the Act).

Background

Where rates have been outstanding for a period of 3 years or more, Section 137 of the Act gives Council the power to sell that land for the recovery of unpaid rates.

Before Council can sell land pursuant to Section 137, there are notification and advertising requirements that must be met per Section 137(3), 137(4) and 137(5) of the Act. The Act provides the General Manager with the delegation to serve the required notices and advertise those notices. Once a notice has been served per Section 137(3), Council may sell the land after 90 days if the outstanding amount has not been paid in full.

At the March 2022 Briefing Workshop, Councillors were provided with an overview of any land that currently had rates outstanding for 3 years or more. The notification and advertising requirements have now been fulfilled in relation to those properties that were presented to Councillors. Officers have identified 2 properties with rates that remain outstanding at the end of the 90 day notification period.

Planning, Environment and Statutory Requirements

Division 11 of the *Local Government Act 1993*.

Risk Management

Officers have accessed legal advice to inform the development and application of the general Section 137 Property Sales administration process to ensure compliance with the Act.

In addition, sections 137(7A) and 139(1) allow Council to recover any costs incurred by it under Division 11 of the Act as a debt owed to it. If officers require specific advice in relation to a property they obtain it and recover the costs.

Financial and Asset Management Implications

Unpaid rates and any associated recovery costs can be recovered through the sale of property pursuant to Section 137 of the Act. A total of \$52,812.58 in rates and charges has been identified for recovery from the 2 properties in question to date.

Community Considerations

Officers exhaust all other debt recovery methods before recommending that land be sold for the recovery of unpaid rates per Section 137 of the Act.

Officers Comments

The following 2 properties have rates that remain outstanding at the end of the statutory 90 day notification period per Section 137(3), 137(4) and 137(5) of the Act and therefore, Council may sell the land in accordance with Division 11 of the Act.

Per Section 137(1)(a) of the Act, Council may sell the land as if it were the owner of the land by public auction, or if the proceeds of the sale are unlikely to meet the costs of the public auction, by direct sale. It is clear from the valuation reports that officers have obtained that Council will need to sell the land by public auction as the proceeds of sale are likely to far outweigh the costs of a public auction.

29 King Street, Scottsdale (otherwise known as the Lyric Theatre) – PID 6839392

This property is owned by Terence Gregory Walder and the total amount of rates and charges outstanding to date is \$9,215.48.

Officers are aware that the property is partially occupied by a tenant who have advised that they would prefer to continue occupying the space if it's an option. Officers have sought advice from a local real estate agent who has indicated that selling the property subject to an existing tenancy agreement would not be likely to impede the sale and would likely be appealing to potential purchasers. On this basis, it is proposed that officers initially explore the option of selling the property subject to the existing tenancy agreement.

Officers have obtained a valuation for the property and it is anticipated that the property would sell for \$300,000 to \$350,000 at auction.

751 Musselroe Road, Musselroe Bay – PID 1830591

This property is owned by Melbourne Resort Development Pty Ltd and the total amount of rates and charges outstanding to date is \$43,597.10.

This property is subject to a restraining order imposed by the Australian Federal Police (AFP) that restricts third parties having any dealings with the land without prior approval. Officers have sought legal advice regarding Council's ability to sell the property pursuant to Section 137 whilst it is subject to the restraining order and have been advised that Section 119 of the Act provides that rates are enforceable in priority to any other mortgage, charge, lien or encumbrance on the land, including restraining orders. Officers notified the AFP of the intent to sell the land for unpaid rates whilst fulfilling the notification requirements per Section 137(4) of the Act.

Officers are of the understanding that the property is currently occupied informally by a tenant who has advised that he is happy to vacate the land upon receipt of an eviction notice or similar.

Officers have obtained a valuation for the property and it is anticipated that the property would sell for \$1,000,000 to \$1,500,000 at auction.

If the land fails to be sold at auction, Council can apply to the Minister for the land to be transferred to Council under Section 140 of the *Local Government Act 1993*.

Recommendation

1. That Council approves the sale of the following land for unpaid rates pursuant to Section 137(1)(a) and in accordance with any or all of the provisions of Division 11 of the *Local Government Act 1993*:

PID	Street Address	Suburb	Owner Name	Balance
6839392	29 King Street	Scottsdale	T Walder	\$9,215.48
1830591	751 Musselroe Road	Musselroe Bay	Melbourne Resort Development Pty Ltd	\$43,597.10

2. That if the abovementioned land fails to be sold pursuant to Section 137(1)(a) of the *Local Government Act 1993* that Council approves for an application to be made to the Minister for an order under Section 140 of the *Local Government Act 1993*.

*** Councillors are reminded that they are acting as a Planning Authority for Item 195 and Item 196

Item 195/22

Planning Application - Visitor Accommodation (1 Unit) | Unit 6, 4 Bridview Place BRIDPORT

Reporting Officer: Town Planning Supervisor, Thomas Wagenknecht

Ref: DOC/22/13458 | PLA/2022/135 | Assessment Report: DOC/22/13479

Purpose

The purpose of this report is for Council to consider a proposal for the use and development of one visitor accommodation unit at Unit 6, 4 Bridview Place Bridport. Vehicle access to the unit would be provided from (i) Bridview Place via a private road (common property of Strata Corporation No. 161796) and an existing Right of Way over F/R 10517/3; and (ii) Crown Land Esplanade Bridport and F/R 165691/1 Main Street Bridport.

Background

Location

The land subject to the proposal is addressed as the following:

Subject Land	Owner	PID	Folio of the Register
Unit 6, 4 Bridview Place Bridport	Shane Wager and Lydia Wager	9383552	161796/6
Strata Corporation Number 161796, 4 Bridview Place, Bridport	Strata Corporation Number 161796, 4 Bridview Place, Bridport	---	161796/0
F/R 10517/3 Bridview Place Bridport	James Leitch, Roslyn Leitch, and Tasmanian Deposit and Investment Company Proprietary Limited	---	10517/3
Esplanade Bridport	NRE Tas (Property Services)	7147574	---
F/R 165691/1 Main Street Bridport	Dorset Council	3546105	165691/1

Applicant

The applicant for the proposal is Lydia Wager.

Planning Controls

The subject land is controlled by the Dorset Interim Planning Scheme 2013 (referred to in this report as the 'Planning Scheme').

Statutory Timeframes

Date Received:	4 October 2022
Advertised:	8 October 2022
Closing date for representations:	22 October 2022
Extension of time granted:	24 October (until 22 November 2022)
Decision due:	21 November 2022

An application was lodged under section 57 of the *Land use Planning and Approvals Act 1993* (the LUPA Act), by Lydia Wager, for:

- The construction of one visitor accommodation on Unit 6, 4 Bridview Place Bridport with reliance upon vehicle access through (i) Bridview Place via a private road (common property of Strata Corporation No. 161796) and an existing Right of Way over F/R 10517/3; and (ii) Crown Land Esplanade Bridport and F/R 165691/1 Main Street Bridport.

A planning permit (PLA/2021/219) for a two and a half storey visitor accommodation unit with sole vehicle access via Bridview Place Bridport was issued by the Planning Authority at the February 2022 Council Meeting after receiving five (5) representations during the statutory public advertising period. The landowner has chosen to not progress with this previously approved planning permit and has sought fresh planning approval for an altered concept.

During the public advertisement period of PLA/2022/135, two (2) representations were received.

The attached '*Planning Application PLA/2022/219 – Visitor Accommodation (1 Unit) - Assessment Report*' considers the submitted planning application and representations received during the statutory public advertising period against the Dorset Interim Planning Scheme 2013.

Strategic and Annual Plans

N/A

Statutory Requirements

Council must process and determine the application in accordance with the *Land Use Planning Approval Act 1993* (the LUPA Act) and the Council's Planning Scheme. The application is made in accordance with Section 57 of the LUPA Act.

Policy Implications

N/A

Financial & Asset Management Implications

N/A

Risk Management

Management of risk(s) is inherent in the conditioning of the permit.

Community Considerations

The application was advertised for the statutory period. During this period Council received (2) representations.

Consideration of the representations is provided within the attached '*Planning Application PLA/2022/219 – Visitor Accommodation (1 Unit) - Assessment Report*'.

Alternative Options

Council can either approve, with or without conditions, or refuse the application.

Recommendation

It is recommended that the proposal for the use and development of Visitor Accommodation (1 Unit) at the subject land, be approved subject to the following conditions:

1. Basis of Approval

The use and development is approved and must be undertaken in accordance with the Endorsed Documents, except where specified otherwise in this permit and documents lodged with this application (PLA/2022/135). Any substantial variation from this application will require the further planning consent of the Council.

2. TasWater

The development must be in accordance with the conditions provided within the Submission to Planning Authority Notice issued by TasWater dated 2 November 2022 (Reference No. TWDA 2022/01635-DC, copy attached to this permit).

3. Amended Plans – Esplanade Vehicle Access

Prior to the commencement of works, and to the satisfaction of Council's Town Planner, the responsible person must submit amended plans, which show the vehicle access between Unit 6, 4 Bridview Place and F/R 165691/1 Main Street, through the Esplanade, complete with:

- (a) a minimum aisle width of three (3) metres;
- (b) five (5) passing bays (2 meters wide by 5 metres long plus entry and exit tapers) placed approximately every 30 metres, except where topographical constraints require the passing bay to be situated in an alternate location; and
- (c) a turning area within the bounds of the Esplanade, and proximate to Unit 6, 4 Bridview Place, Bridport, suitable for the intended purpose with:
 - (i) a minimum radius of 6.8 metres (inclusive of 0.5 metre offset);
 - (ii) grade changes in accordance with AS/NZS 2890.1:2004; and
 - (iii) an average cross fall of not more than 3 degrees for a width of four (4) metres.

When approved by the Council's Town Planner, the amended plans will be endorsed and will then form part of this permit.

4. Soil and Water Management Plan – Brid River

- (a) Prior to the commencement of works within 40 metres of the Brid River, and to the satisfaction of Council's Town Planner, the responsible person must submit a soil and water management plan, prepared by a suitably qualified person, which demonstrates:
 - (i) revegetation and weed control of areas of bare soil;
 - (ii) the management of runoff so that impacts from storm events up to at least the 1 in 5 year storm are not increased; and
 - (iii) that disturbance to vegetation and the ecological values of riparian vegetation will not detrimentally affect hydrological features and functions.

When approved by the Council's Town Planner, the soil and water management plan will be endorsed and will then form part of this permit.

- (b) All works within 40 metres of the Brid River must comply with the requirements of the soil and water management plan detailed in (a) above.

5. Stormwater Management

- (a) Prior to the commencement of the approved use, stormwater discharged from the impervious areas (including vehicle areas, paving and building roofed areas) of the development must be drained and directed to Council's stormwater network, or otherwise dispersed in a manner that would not cause an environmental nuisance or new point source discharge to a watercourse, to the satisfaction of the Council's Town Planner.
- (b) Where stormwater is unable to be directed to Council's reticulated stormwater network, it must be discharged from the impervious areas (including vehicle areas, paving and building roofed areas) of the development so as to ensure that:
 - (i) flooding, erosion and environmental nuisance is minimised to the satisfaction of the Council's Town Planner; and
 - (ii) points of discharge do not give rise to pollution as defined under the *Environmental Management and Pollution Control Act 1994*.

6. Construction of Vehicle Parking and Internal Access

- (a) Prior to the commencement of the approved use, and to the satisfaction of Council's Town Planner, areas set aside for the parking of vehicles, together with the aisles and access lanes, must be designed and constructed to be:
 - (i) formed to an adequate level as necessary to prevent the formation of potholes and depressions according to the nature of the subgrade and vehicles which will use the areas;
 - (ii) treated so as to prevent any loss of amenity by the emission of dust or the discharge of uncontrolled drainage;
 - (iii) marked or provided with clear physical means to delineate vehicle parking spaces; and
 - (iv) completed in accordance with the amended plans required by Condition 2.
- (b) All works associated with the construction of the vehicle access required in (a) above, must comply with the requirements of the *Wetlands and Waterways Works Manual* (copy attached to this permit), where within 50 metres of a watercourse.
- (c) Areas set aside for the parking of vehicles, together with the aisles and access lanes, must be maintained in a continuously useable condition as outlined in (a) above.

7. Privacy Management

Prior to the commencement of the approved use, fixed privacy screens, with a uniform transparency of no more than 25%, must be erected along the edge of all decks facing south with a finished floor level greater than one (1) metre above natural ground level, as depicted within the endorsed plans.

8. Use Limitation – Vehicle Parking and Access

Unless otherwise approved in writing by the Town Planner:

- (a) all vehicles incidental to the approved use must be parked entirely within the bounds of F/R 161796/6 (Unit 6 4 Bridview Place, Bridport); and
- (b) the vehicle accesses relied upon by the approved use must be clear at all times.

9. *Native Vegetation Removal*

The removal of native vegetation must be limited to occur only where it is directly incidental to the development approved in this permit.

No *Melaleuca erificolia swamp forest* threatened vegetation community, or any other native vegetation, is to be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Council's Town Planner.

NOTE: For the purpose of this permit “**the person responsible**”, depending on the context, means:

- a) The person who has and takes the benefit of this permit for the undertaking of the use or development authorised pursuant to it;
- b) The person or persons who undertake development or use pursuant to this permit; and
- c) Servants, agents and contractors, in each case of such persons.

ADVISORY NOTES

(i) Permission in Writing

Any reference to the need for Council approval of a matter or thing prescribed under the conditions pertinent to this permit requires such approval to be given in writing.

(ii) Objections to Proposal

This permit has no effect until the expiry of the period for the lodgement of an appeal against the granting of the permit or, if an appeal is lodged, until ten days after the appeal has been determined by the Resource and Planning Stream of the Tasmanian Civil and Administrative Tribunal (TASCAT).

(iii) Appeal Provisions

Attention is directed to sections 61 and 62 of the *Land Use Planning and Approvals Act 1993* (as amended) which relate to appeals. These provisions should be consulted directly, but the following provides a guide as to their content:

- A planning appeal may be instituted by lodging a notice of appeal with the Resource and Planning Stream of the Tasmanian Civil and Administrative Tribunal (TASCAT).

A planning appeal may be instituted within 14 days of the date the planning authority serves notice of the decision on the applicant.

(iv) Permit Commencement

This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource and Planning Stream of the Tasmanian Civil and Administrative Tribunal (TASCAT) is abandoned or determined. If an applicant is the only person with a right of appeal pursuant to section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing.

(v) Period of Approval

Pursuant to Section 53(5) the *Land Use Planning and Approvals Act 1993*, this approval will lapse after a period of two (2) years from:

- (a) the date on which the permit is granted; or
- (b) if an appeal has been instituted against the planning authority's decision to grant the permit, the date of the determination or abandonment of the appeal,

if the use or development is not substantially commenced within that period.

(vi) TasNetworks Advice

TasNetworks advised on 5 October 2022 that:

'Based on the information provided, the development is not likely to adversely affect TasNetworks' operations.

It is recommended that the customer or their electrician contact TasNetworks on 1300 137008 if they have any questions regarding any upgrades they may require to their electricity supply due to this development.'

(vii) Esplanade Access Design

It is anticipated that the area within the Esplanade proximate to Unit 6, 4 Bridview Place Bridport will be designed to simultaneously function as both a passing bay required by 3(b) and the turning area required by 3(c). Such an approach would meet the intent of Condition 3.

(viii) Other Approvals

This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:

- (a) Building approval
- (b) Plumbing approval
- (c) TasWater Works Approval
- (d) Crown Lands Works and Development Approval

Purpose

The purpose of this report is for Council, as Planning Authority, to consider the representations to the Combined Permit and Amendment 1/2022 and PLA/2022/1266 and provide its opinions and recommendations to the Tasmanian Planning Commission pursuant to sections 39(2) and 43F(6) of the former provisions of the *Land Use Planning and Approvals Act 1993*.

Background

An application was lodged under sections 33(1) and 43A(1) of the former provisions of the *Land Use Planning and Approvals Act 1993* (the LUPA Act), by PDA Surveyors, Engineers and Planners on behalf of Samell (Tas) Pty Ltd, for:

- an amendment to the Planning Scheme, proposing to rezone land identified as 1954 Bridport Road Bridport from the Rural Living Zone to the Rural Resource Zone and the insertion of a site-specific qualification to provide for the Storage, Vehicle Fuel Sales and Services, and Service Industry use classes as Permitted uses at that land; and
- planning approval for a subdivision (1 lot into 2 lots) and construction of (i) self storage compartments and ancillary caretakers residence, (ii) aircraft hangars, and (iii) service station, and associated signage.

A planning permit was granted subject to conditions and the draft amendment was initiated by the Planning Authority at the September 2022 Council Meeting. The application was then submitted to the Tasmanian Planning Commission (the Commission) and subsequently placed on public exhibition from 1 October to 1 November, in accordance with section 38 of the former provisions of the LUPA Act. At the conclusion of the exhibition period, three (3) representations had been received.

Following the statutory public exhibition of the draft amendment, Council must now prepare and submit a report to the Commission regarding that exhibition so as to comply with sections 39 and 43(F) of the former provisions of the LUPA Act. The report is to consider the representations received during the public exhibition period, including recommendations on whether the matters raised in those representations are of sufficient merit to warrant modification to planning permit and/or draft amendment.

Planning, Environment & Statutory Requirements

Amendments to the LUPA Act, to establish the Tasmanian Planning Scheme, were gazetted on 17 December 2015. The State Planning Provisions have been made by the Minister and came into effect on 2 March 2017. However, the provisions of the Tasmanian Planning Scheme do not come into operational effect until such time as Council completes its Local Provisions Schedule and the Minister makes the planning scheme. In the interim, the process for the consideration of planning scheme amendments continues in accordance with the LUPA Act as it was written prior to the 17 December 2015. These provisions are defined as the 'former provisions' in Schedule 6 – Savings and Transitional Provisions in the amended LUPA Act.

Under section 43A of the former provisions of the LUPA Act, Council may, where it decides to initiate a planning scheme amendment under section 33(3) of the LUPA Act, consider an application for a planning permit concurrently with the preparation of the requested planning scheme amendment.

Section 43F of the former provisions of the *Land Use Planning and Approvals Act 1993* prescribes the process for determining an application for combined permit and amendments, including the requirements for public exhibition and subsequent consideration of any representations received.

Section 39(2) of the former provisions of the *Land Use Planning and Approvals Act 1993* prescribes the requisite contents of the report by the Planning Authority to the Commission regarding the exhibition, including the following:

- a) A copy of each representation received by the Planning Authority in relation to the draft amendment, the application for the permit, and the Planning Authority's decision thereof;
- b) A statement of the Planning Authority's opinion as to the merit of each representation made, in particular its views as to:
 - (i) The need for modification of the draft amendment in the light of that representation; and
 - (ii) The impact of that representation on the draft amendment as a whole; whether the draft amendment should be modified and, if recommended to be modified, the effect on the draft amendment as a whole; and
 - (iii) Any recommendations in relation to the draft amendment as the authority considers necessary.

When the Planning Authority forwards to the Commission a report in accordance with section 39(2), it must also - in accordance with section 43F(6) - forward to the Commission:

- a) A copy of each representation received by the Planning Authority in relation to the application for the permit or the Planning Authority's decision to grant or refuse the permit; and
- b) A statement of its opinion as to the merit of each representation including, in particular, its views as to the need for modification of the Planning Authority's decision in the light of that representation; and
- c) Such recommendations in relation to the planning authority's decision as the Planning Authority considers necessary.

As soon as practicable after receipt of the Section 39(2) and 43F(6) Report, the Commission will consider the combined permit and draft amendment and any representations and decide, in consultation with representors, whether or not to hold a hearing into the matter.

In accordance with section 43H of the former provisions of the LUPA Act, the Commission must make a decision upon both the draft amendment and the Planning Authority's decision upon the application for a planning permit, and must:

- 1) Confirm the decision of the Planning Authority in relation to the permit;
- 2) If the Planning Authority's decision was to grant a permit –
 - a. refuse the permit; or
 - b. modify or delete conditions or restrictions attached to the permit or add new conditions or restrictions to the permit;

- 3) If the Commission's decision is to reject the draft amendment in accordance with section 41(b), refuse the permit.

Risk Management

Management of risk(s) is inherent in the conditioning of the permit.

Financial & Asset Management Implications

N/A

Community Considerations

See Officer's Comments below.

Officer's Comments

Matters raised in the received representations have been considered in accordance with the requirements of the LUPA Act within the *Combined Permit and Amendment 1/2022 and PLA/2022/1266 – Section 39(2) and 43F(6) Report – Review of Representations*, as provided at the Agenda Attachments. Copies of each representation received are included within that report. In order to comply with its statutory timeframes and to enable the Commission to undertake its assessment of the subject combined permit and amendment application, it is recommended that this report forms the Planning Authority's report pursuant to sections 39(2) and 43F(6) of the former provisions of the LUPA Act.

The primary matters raised in the representations include (i) seeking clarification of specific components of the proposal, (ii) that the proposed draft amendment is not consistent with the requirement of various legislation, strategic documents and policies, (iii) requests for additional environmental information and protections (particularly in relation to potential impacts to water quality of Brewers Creek and Trent Water) and (iv) concern that the stormwater management regime will be insufficient for the proposed development.

Comments raising concerns regarding the consistency and details of the endorsed plans warrant modification to the planning permit in order to remove any potential inconsistency between endorsed documentations. It is therefore recommended that:

- 1) *Condition 5 (Stormwater Management)* be modified to require an amended stormwater management plan that:
 - a. correctly identifies that stormwater generated by the proposed development will be solely directed to the existing legal point of discharge that overflows onto the adjoining 1952 Bridport Road (the Bridport airfield) via an existing open drain;
 - b. that no stormwater generated by the proposed development will be directly discharged to the roadside open drain within Bridport Road or 1992 Bridport Road; and
 - c. demonstrates that appropriate measures will be implemented to ensure that stormwater from the roadside open drain continues to flow southward instead of being diverted to the northeast corner of the subject site; and

- 2) *Condition 7 (Construction of Crossovers – Bridport Road [DSG State Road Reserve])* be modified to require all proposed crossovers to provide dual entry and exit.

Minor modifications are also recommended to ensure that the conditions of the permit operate as intended. A tracked changes version of the recommended changes to the planning permit PLA/2022/1266 is provided at Appendix 3 of the attached *Combined Permit and Amendment 1/2022 and PLA/2022/1266 – Section 39(2) and 43F(6) Report – Review of Representations*.

Following receipt of the Planning Authority's Section 39(2) and 43F(6) Report, the Commission will – unless otherwise agreed to with all representors – hold hearings into the draft amendment. During the hearing, representors will be provided the opportunity to elaborate their views to the Commission prior to the Commission making its decision. In this context, the Planning Authority's recommendations are not necessarily a final outcome for those affected persons.

After the hearings are held, and where the Commission is satisfied that the draft amendment is in order, the Commission must give its approval to the draft amendment no later than 3 months after the Planning Authority submits its report under section 39(2).

At the same time as the Commission makes its decision to reject or approve the draft amendment, it must:

- (a) Confirm the decision of the Planning Authority under section 43F(1) in relation to the permit; or
- (b) If the Planning Authority's decision was to grant a permit –
 - a. Refuse the permit or
 - b. Modify or delete conditions attached to the permit or add new conditions or restrictions to the permit; or
 - c. If the Commission's decision is to reject the draft amendment in accordance with section 41(b), refuse the permit.

The planning permit, if approved (with or without modifications), would be formally granted upon the draft amendment being approved by the Commission.

Recommendation

That the Planning Authority endorses the attached document *Combined Permit and Amendment 1/2022 and PLA/2022/1266 – Section 39(2) and 43F(6) Report – Review of Representations*, as its report pursuant to section 39(2) and 43F(6) of the former provisions of the *Land Use Planning and Approvals Act 1993* and submit it to the Tasmanian Planning Commission.

Purpose

The purpose of this report is for Council to support a variation to the 2022/23 Budget Estimates of \$60,000 for the preparation of urban residential growth strategies (structure plans) for Scottsdale and Derby.

Background

Additional residential land supply is needed in Scottsdale and Derby. For Scottsdale, the need for additional supply is primarily attributable to a lack of residentially-zoned land in feasible locations. In Derby, the changing economic and social structure of the settlement, stemming from the inception of mountain bike tourism, has accelerated growth in visitor accommodation investment at the expense of residential pursuits.

Bridport is similarly confronted with residential land supply shortages, however the imminent inception of the new planning scheme will provide various subdivision opportunities throughout the settlement (notably intensification opportunities in areas identified within the Low Density Residential Zone, the Rural Living Zone and the General Residential Zone north of Main Street) that will expectedly alleviate supply issues at least in the short-term.

Recognising the immediate imperative to provide residential growth opportunity in Scottsdale and Derby as a key strategic priority, Council included the following priority activities within its 2022/23 Annual Plan:

- Priority Activity No.8: Scottsdale Urban Residential Growth Strategy
- Priority Activity No.10: Derby Urban Residential Growth Strategy

Urban residential growth strategies (or 'structure plans') are effectively strategic residential-growth blueprints for settlements. They are a critical 'first step' in the process Council must take to broadly identify and validate areas in our settlements that are suitable for future residential rezoning under our planning scheme. Rezoning of land is a two-pronged process which preliminarily involves initiation from Council, before being referred to the Tasmanian Planning Commission (TPC) for assessment and approval. In the absence of an endorsed strategy being in place that supports a residential rezoning application before it, the TPC will not be inclined to support such application.

Although initially earmarked for earlier completion, the draft strategies for both Scottsdale and Derby have since been rescheduled for completion by the end of the 2022/23 financial year. The additional time afforded to completion of the projects has proven beneficial, with Council officers both identifying a preferred consultancy sufficiently capable of delivering the projects (6TY) and fortuitously securing a significant funding commitment (via grant deed) from the State Government: \$50,000 (excl. GST) from the State Planning Office for the purposes of delivering the projects. The proposed fee for both projects is \$97,775 (excl. GST), so an external, largely unconditional (albeit requiring the projects to be delivered by September 2023) contribution of that amount is most helpful. The remainder of the fee, \$47,775 would therefore be at Council's cost. As an added contingency, an additional \$12,225 (bringing the total budget variation request to \$60,000) is recommended to be made available for the projects, noting that the proposed fee provided by the consultant does not include additional costs that may potentially be incurred from specialist consultant reports (e.g. traffic engineer, agricultural consultant, ecological assessment, bushfire report). Noting the difficulty in otherwise forecasting cost estimates for such reports *prior* to taking

stock of water, sewer, stormwater, electricity and telecommunications infrastructure capacities/constraints (and the influence these factors will ultimately have upon the spatial direction of recommended residential growth opportunities contiguous to the settlements), it is considered more appropriate that these costs are not speculated upon at this time - albeit a contingency is made available in the event specialist reports are necessary for the fullness and veracity of the strategies.

Planning, Environment & Statutory Requirements

- Sections 71 (Annual Plan), 72 (Annual Report), 82(4) and (5) (Budget Estimates) of the *Local Government Act 1993*.
- Policy 31 – Code for Tenders and Contracts (Dorset Council)

Risk Management

Council management will provide oversight of both projects to ensure their preparation and completion occur within timeframes prescribed under the Department of Premier and Cabinet's proposed grant deed.

Financial & Asset Management Implications

A budget variation of \$60,000 is required by Council to contribute to the commissioning of both projects.

Community Considerations

A series of workshops (drop-in information sessions) and exhibition of draft strategies (inviting community feedback) will ensure broad community engagement and consultation is provided in the consideration and preparation of the strategies

Officer's Comments

Preparation of residential growth strategies for Scottsdale and Derby represents an exciting new chapter in the revitalisation of the North East. To have come from a place – less than a decade ago – whereby population growth in Scottsdale was stagnant and in Derby was in terminal decline, to now needing to advance solutions for a swelling appetite for residential land growth, is a profound testament to the efforts and initiative of many parties in returning consumer confidence to Dorset. Complementing this is the confirmed funding injection from the State Planning Office toward the strategies; signalling strongly that residential growth in the North East is a key policy priority of the Tasmanian Government.

Pending resolution of the recommended budget variation and acceptance of the State Government grant deed, the projects will commence. Staging of the projects will occur as follows:

- Initial steps will focus on background diligence, information sharing, desktop analysis of existing residential land supply and confirmation of project objectives/methodology/work program;
- Next steps will focus upon information and data gathering, including (i) residential demand/supply analyses, (ii) constraints analyses (including infrastructure, land capability, natural values and natural hazards), (iii) review of regional strategic considerations and (iv) review of referral advice received from relevant service agencies and public land owners/authorities;

- Subsequent to the above stages, draft findings will be prepared and presented to Council for its initial consideration. Respective findings will then be workshopped at public drop-in information sessions in Scottsdale and Derby. Draft strategies (plans) will then be placed on public exhibition, with community submissions invited during a defined period.
- Feedback will then be reviewed and implemented where merited, with final strategies to be presented to Council for its endorsement.

Both projects are anticipated to be finalised by the end of the current financial year, consistent with the timeframes stipulated in the Annual Plan. Following on from here, planning scheme amendments that implement the recommended residential rezoning opportunities identified in the strategies will be pursued.

Recommendation

That Council approve a variation to the 2022/23 Budget Estimates of \$60,000 for the preparation of urban residential growth strategies (structure plans) for Scottsdale and Derby.

Purpose

The purpose of this report is for Council to support a variation to the 2022/23 Budget Estimates in regards to costs incurred as a result of the October 2022 severe weather event which caused flooding and a landslide in the municipality.

Background

On 13 October 2022, a significant rainfall event took place across Tasmania which caused flooding across the municipality. The following essential infrastructure has been impacted:

- Bridge at Valentines Road - estimated full replacement cost \$300,000;
- Culvert on Waterhouse Road - estimated replacement cost \$60,000; and
- General road repairs from water running over roads estimated at \$150,000.

The significant rain event triggered a landslide at the Blue Derby Mountain Bike Trails. Three trails were impacted including Air-Ya-Garn (lower), Axehead and a new green flow trail - known as Hazy Dayz, which had been commenced but not yet completed. While engineering will be required to assess stabilisation requirements before the trails can be rebuilt, the minimum cost is expected to exceed \$500,000.

The State Government has natural disaster financial assistance programs in place that can be accessed by local government. Local government essential infrastructure funding is available under the Tasmanian Relief and Recovery Arrangements (TRRA), namely the Natural Disaster Relief to Local Government Policy.

The mountain bike trails are not covered under the TRRA and mountain bike trails are not classed as essential infrastructure. However, the State Government will apply to the Federal Government for disaster recovery funding on behalf of impacted councils. Council has been liaising directly with the Department of Premier and Cabinet (DPaC) as to the requirements of this submission. Council is well underway in completing its part of this submission, including liaising with Visit Northern Tasmania and the Department of State Growth to attain statistics to complete an economic benefit statement highlighting the positive impacts of mountain biking on Derby and Tasmania. This is for the benefit of the Federal Government who must assess claims by the various state governments and all disaster recovery claims are assessed relative to other natural disasters. Council Officers are also conducting full costings of the damage caused to the trail network as a result of the natural disaster.

Planning, Environment & Statutory Requirements

Section 82(4) and (5) (Budget Estimates) of the *Local Government Act 1993*.

Risk Management

N/A

Financial & Asset Management Implications

A budget variation of \$157,500 is required by Council to fully replace flood damaged essential infrastructure and a budget variation of \$10,000 for the GeoTech assessment report for the mountain bike trails.

Community Considerations

Council understands the importance of this infrastructure to the community and is working on expediting funding to ensure assets are rebuilt as soon as possible.

Officer's Comments

This natural disaster is eligible under the TRRA and thus the Natural Disaster Relief to Local Government Policy is activated and local government is able to claim financial assistance for essential infrastructure.

The key requirements for Council from here in regards to the TRRA are:

1. Continue with works, collecting the following information:
 - a. Evidence of the damage, including the link to the flooding (this should include any evidence of pre-disaster condition, like inspection reports or photos, to link the damage to the flood);
 - b. Evidence of the work done; and
 - c. Evidence of costs incurred (financial records)

Along with the above TRRA requirements, Council requires a budget allocation for the flood impacted assets. The TRRA Infosheet #2 – Preparedness, outlines the mechanism for funding. Based on this methodology the budget variation will be for a total of \$510,000 for essential infrastructure, with the State Government covering approximately \$352,500, with Council covering the remaining \$157,500.

Council's \$157,500 is made up as follows:

- Council covers approximately the first \$30,000 for the whole \$510,000;
- Council then covers 50% of the difference of \$60,000 and the initial \$30,000 which amounts to \$15,000;
- Council covers \$112,500, which is 25% of any amount over \$60,000 (E.g. $\$510,000 - \$60,000 = \$450,000 \times 25\%$)

The mountain bike trails are not covered under the TRRA. While DPaC are making a submission for Federal disaster relief funding on behalf of impacted councils, this funding is in no way guaranteed. The Blue Derby Foundation on behalf of Council, have reached out to GeoTech engineers who have conducted preliminary assessments whether the landslide area can be rectified and at what cost. A report will be forwarded to Council shortly. While the cost of this report is unknown at the time of writing, a tentative budget variation of \$10,000 is requested. Officers may need to come back to Council for further budget variations in the future.

Please find the TRRA Policy and Infosheet #2 in the agenda attachments. If you wish to read any of the other infosheets or information, please visit the DPaC website [here](#).

Recommendation

That Council approve a variation to the 2022/23 Budget Estimates of \$167,500 to fully replace flood damaged essential infrastructure and undertake a GeoTech assessment of the damaged mountain bike trails.

Purpose

The purpose of this agenda item is for Council to adopt a schedule of dates for Ordinary Council Meetings and Council Briefing Workshops in 2023.

Background

In 2022, Ordinary Council Meetings were scheduled to be held on the third Monday of each month, commencing at 6:00 pm at Scottsdale, with the exception of the November meeting.

Due to COVID-19 transmission risk, public health restrictions, density and physical distancing requirements and guidelines, Council Meetings were closed to the public in January, February and March 2022, with limited attendance capacity for the remaining meetings when held in the Council Chambers.

Council Briefing Workshops were scheduled for the first Tuesday of each month at the Council Chambers, except January, commencing at 3:30 pm.

The draft 2023 schedule was discussed with Councillors at the 8 November Briefing Workshop with no changes recommended to the frequency, day or time.

Planning, Environment and Statutory Requirements

Local Government (Meeting Procedures) Regulations 2015 - Regulation 4 (1) & (4), Regulation 6(1) & (2) and Regulation 7(2).

Officer's Comment

It is proposed that Ordinary Council Meetings continue to be held on the third Monday of each month, at Scottsdale, commencing at 6:00 pm with the following exceptions:

- April 2023 to be held on the last Monday of the month due to conflicts with Easter and preparation of meeting papers.
- June 2023 to be held on the last Monday of the month to allow for budget preparation.

At the time of writing this report, COVID-19 recommended physical distancing guidelines are still in place. Due to this, Council Meetings will continue to have limited public attendance until such time as these guidelines are amended. This capacity information will continue to be advertised in the Agenda Paper, the North Eastern Advertiser and Council's website for public information.

It is also proposed that Council continue to hold community Council Meetings at alternate locations in the municipality as has occurred in previous years. In 2023, it is proposed to hold the following meetings at alternate locations:

- February at Pioneer;
- March at Derby;
- October at Ringarooma; and
- November at Bridport

It is proposed that Council Briefing Workshops continue to be held on the first Tuesday of each month, commencing at 3:30 pm with the following exception:

- January 2023 where no Workshop will be held

Recommendation

That the following Schedule of Council Meeting Dates for 2023 be adopted:

Ordinary Council Meeting Schedule, with meetings on the third Monday of each month at 6.00 pm (with the exception of April and June), at Scottsdale, except where an alternative location is specified.

Monday 16 January	Monday 17 July
Monday 20 February (Pioneer)	Monday 21 August
Monday 20 March (Derby)	Monday 18 September
Monday 24 April	Monday 16 October (Ringarooma)
Monday 15 May	Monday 20 November (Bridport)
Monday 26 June	Monday 18 December

Council Workshops Schedule, with workshops held on the first Tuesday of each month at 3.30 pm (with the exception of January), at the Council Chambers, Scottsdale.

<u>Nil for January</u>	Tuesday 4 July
Tuesday 7 February	Tuesday 1 August
Tuesday 7 March	Tuesday 5 September
Tuesday 4 April	Tuesday 3 October
Tuesday 2 May	Tuesday 7 November
Tuesday 6 June	Tuesday 5 December

Purpose

With the election of new Councillors, it is necessary to review Council representatives on various committees. It has been normal practice that these positions be reviewed at the first meeting following a Council election.

Background

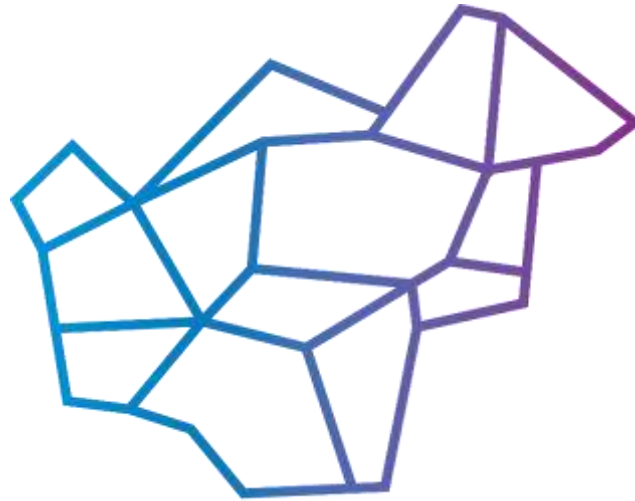
At the 8 November 2022 Briefing Workshop, Councillors were asked to nominate for Committees, as listed, for a two year period.

Recommendation

That Council appoint representatives to serve on the following Committees, as listed, for a two year period.

- **Australia Day Awards Selection Panel**
Cr Simmons, Cr Nichols, Cr Chilcott
- **Community Grants Selection Panel**
Cr Powell, Cr Nichols, Cr Coxen
- **Barry Jarvis Education Scholarship Selection Panel**
Cr Coxen, Cr Powell, Cr Stein
- **Audit Panel Committee**
Cr Jessup, Cr Donoghue, Cr Nichols (alternate member)
- **Emergency Relief Grant Panel**
Cr Howard, Cr Simmons, Cr Stein
- **Blue Derby Operation Transfer Delegation**
Cr Coxen
- **General Manager's Remuneration Committee**
Mayor Howard, Deputy Mayor Jessup, Cr Donoghue
- **TasWater Owners Representative**
Mayor Howard (Proxy – Deputy Mayor Jessup and the General Manager)
- **Local Government Association of Tasmania Representative**
Mayor Howard (Proxy – Deputy Mayor Jessup and the General Manager)

Time Meeting Closed:



dorset
C O U N C I L

UNCONFIRMED

Minutes

Council Meeting

17 October 2022

it's in the making

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Council Meeting Minutes 17 October 2022

Meeting Opened: 6:01 pm

Present: Crs Greg Howard (Mayor), Dale Jessup (Deputy Mayor), Mervyn Chilcott, Edwina Powell, Jan Hughes, Murray Lade, Wendy McLennan, Jerrod Nichols, Leonie Stein

Acting General Manager/Director – Corporate Services: John Marik,
Director – Works & Infrastructure: Dwaine Griffin

Apologies: General Manager: Tim Watson, Director – Community & Development: Rohan Willis

Item 154/22 Confirmation of Ordinary Council Meeting Minutes – 19 September 2022
Ref: DOC/22/10925

The Chair reported that he had viewed the minutes of the Ordinary Meeting held on Monday, 19 September 2022 finds them to be a true record and recommends that they be taken as read and signed as a correct record.

DECISION

MOVED: Cr Stein | **SECONDED:** Cr Chilcott

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 19 September 2022 having been circulated to all Councillors, be confirmed as a true record.

CARRIED UNANIMOUSLY

The Chair to ask Councillors if there are any questions they wish to ask in relation to the Closed Session Minutes that would require them to be discussed in Closed Session.

Item 155/22 **Confirmation of Ordinary Council Meeting Closed Session Minutes 19 September 2022**

Ref: DOC/22/10927 & Councillors Only Addendum: DOC/22/10928

The Chair reported that he had viewed the minutes of the Ordinary Meeting Closed Session held on Monday 19 September 2022, finds them to be a true record and recommends that they be taken as read and signed as a correct record.

DECISION

MOVED: Cr Hughes | SECONDED: Cr Powell

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting Closed Session held on 19 September 2022 having been circulated to all Councillors, be confirmed as a true record.

CARRIED UNANIMOUSLY

Item 156/22 **Confirmation of Agenda**

DECISION

MOVED: Cr Jessup | SECONDED: Cr Nichols

That Council confirm the Agenda and order of business for the 17 October 2022 Council Meeting.

CARRIED UNANIMOUSLY

Item 157/22 **Declaration of an Interest of a Councillor or Close Associate**

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015* and Council's adopted Code of Conduct, the Mayor requests Councillors to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary interest or pecuniary detriment) or conflict of interest in any item on the Agenda.

INTEREST DECLARED

Cr Greg Howard Item 170 (conflict)

Cr Jan Hughes Item 166 (immaterial)

Item 158/22 **Management Team Briefing Report**

The purpose of this agenda item is to provide Councillors and the community with a briefing on matters of interest dealt with during the past month by Council's Management Team.

DECISION

MOVED: Cr Stein | SECONDED: Cr Hughes

That the Management Team Briefing Report be received and noted.

CARRIED UNANIMOUSLY

Item 159/22 Council Workshops Held Since Last Council Meeting

4 October | Briefing Workshop

Item 160/22 Councillor Applications for Leave of Absence

Nil

Item 161/22 Public Question Time

The following question was received on notice from a member of the public:

Lawrence Archer, Bridport | 5 October 2022

At Council's July meeting a rating motion was passed which imposed "A service charge for waste management services on all rateable land for the operational costs of waste transfer stations (being a waste management facility), cartage of waste, removal of town waste and rehabilitation of Councils former tip sites.

Is it legal for the Council to use the funds raised from that waste levy for any purpose other than that specified in the motion, i.e. waste management?

Response from Acting General Manager, John Marik:

It is legal for Council to make a service charge in respect of waste management. The revenue from the service charge goes into Council's consolidated revenue which funds all Council operations, including waste management operations.

The following questions were received without notice from members of the public:

Mary Zegveld, Golconda

In relation to the Rail Trail, who will be responsible/accountable for any contamination of my property from toxic run-off from the railway line if the ballast is crushed? I am referring to the statement of evidence by Rod Cooper, who is an Environmental Scientist. Are you aware of the consequences if my cattle eat or drink contaminated grass or water? It goes into their system, into the meat and when it is time for them to be sent off to slaughter, the meat is graded and tested for quality and if there is a problem with the meat, then they are rejected.

Response from Mayor Greg Howard:

Mr Cooper's report was part of the evidence presented to the planning appeals tribunal and was rejected that there was any likelihood of run-off likely to occur to neighbouring properties. Most of the toxins you refer to are deep in the rail formation, in the embers at a level below which we are likely to crush. The tribunal basically stated in their rejection of the appeals against the Scottsdale end of the Rail Trail, that it was highly unlikely that anything would occur. Rail Trails have been built around the world and there have been no such incidences of contamination to waterways of neighbouring properties or to cattle whatsoever.

In regards to the tunnel, I own property over the tunnel and nothing has been said to me as to whether the actual tunnel will be in use by the public. The sign on the tunnel says no access currently. Are people and bikes and horses going to be allowed to trample all over my property to get to the other side of the tunnel?

Response from Mayor Greg Howard:

The tunnel is part of the development application. It will be used – all the riders will be going through the tunnel, with nobody entering or trespassing on your property.

Ian Farley, Scottsdale

I am asking the following question on behalf of Gayle Scott, Derby.

At the Dorset Council meeting held on 19 September, Mayor Greg Howard gave misleading and false information. He stated there were only two hotels open in Derby before the introduction of the mountain bike industry. He claimed the General Store and the garage were both closed and Derby was heading the same way as Pioneer. In actual fact, there were a variety of numerous businesses open and operating. Starting from the top of the Main Street, the General Store was running as a café, selling takeaway food and basic grocery items. Next door was "Berries" café, and then along from that, there was a working Arts and Crafts shop where locals would create their craft objects and sell them. Next door was an alternative therapies shop including a local artist selling hand crafter wooden bowls and sculptures. Next door to that was an Art Café which sold local artwork and operated as a café. Down the street there was a second-hand bookshop and café and next door to that was the garage which has been open for a few decades by a local who still owns it, but leases it to be run as a garage. It has never been closed in the thirty years that I have lived in Derby. Heading down the street, there was a doctor's clinic open for appointments for a few hours every night from 5pm. The Police Station is along from there and has been operating in Derby for over 130 years. On the opposite side of the street, there was a community park which held the annual Derby River Derby for over forty years and even for a few years after the introduction of mountain bikes. The Dorset Hotel was open (as the Mayor claimed) then there was the "Bankhouse" which sold arts and crafts, antique wares and tourist souvenirs. Next to that is the museum which has been open since 2009. The Derby Post Office has been operating for over 130 years as has the Federal Tavern. The Tin Centre was built by Government grants received by Dorset Council and opened in 2008. Council leased it as a café and Tin Mining Interpretation Centre for over 10 years. There were also five short-stay

accommodation premises established. Can the Mayor retract the misleading information given at your last meeting?

Response from Mayor Greg Howard:

I did state that there was only two hotels open in Derby and that statement was correct.

Item 162/22 Deputations

Nil

Item 163/22 Councillor Question Time

The following question was taken on notice at the 19 September 2022 Council Meeting:

Councillor Leonie Stein:

Now that we have the Jarvis Link in Bridport being heavily used, for the majority of the population it's awesome but for some who come into town with ill intent they can enter and leave without being caught on any surveillance cameras. Is it possible to put one either at the top of the Main and Maxwell Streets intersection or actually on Jarvis Link T-section? I have spoken to the local policeman in regards to this and he said they would be in support of us having a camera out there because we have them throughout the Main Street, on the bridge but now with the second access into township they can move around the township without being spotted.

Response from Director – Works and Infrastructure, Dwaine Griffin:

Council will commence sourcing quotes for supply of a security camera to be installed at the corner of Maxwell and Main Streets, Bridport for inclusion in the 2023/24 budget estimates.

Councillor Wendy McLennan:

Why are we constructing a twelve car sealed carpark and a bus park at the Lilydale Falls Reserve and toilets in another municipality when we have an area in Scottsdale that we need to upgrade? We should be spending the \$1.47 million grant on infrastructure within our municipality, in particular Scottsdale, which has multiple businesses for sale and is going downhill.

Response from Mayor Greg Howard:

Firstly, I will reject your assessment that Scottsdale is going downhill, it is far from that. In terms of why are we constructing infrastructure in other municipalities. The Launceston end of the Rail Trail is vital as a starting point so that the rest of the Trail becomes viable. In terms of the carpark, that may or may not get built. If you have

read the agenda for the upcoming City of Launceston Council Meeting that is up for consultation between Dorset Council and the members of the Lilydale area. It was City of Launceston Council who said we had to build a carpark, we were comfortable with the existing carpark or were prepared to extend or reconfigure the existing carpark as we thought there was an appropriate number of spaces available, given that a lot of Rail Trail riders don't leave a vehicle in a carpark, they via go via a shuttle bus get dropped off and travel to the next destination.

When did the discussions take place with the Lilydale community?

Response from Mayor Greg Howard:

I had personal discussions as they rang me around 6-8 weeks ago.

Are you aware there is a recommendation on the Launceston City Council Meeting agenda for 20 October saying that Council asks the Dorset Council to undertake community consultation directly with the Lilydale community?

Response from Mayor Greg Howard:

Yes. Council representatives will be in attendance at this scheduled Council Meeting.

What consultation was conducted with property owners along the line?

Response from Mayor Greg Howard:

Consultation was conducted with property owners during the original application.

How much have we paid in legal fees for the appeal?

QUESTION TAKEN ON NOTICE

So who is going to be responsible for people that are going to be affected by the contamination on the line?

Response from Mayor Greg Howard:

No one will be affected.

So if Launceston City Council approves the application and someone appeals the decision, who is going to pay for that? Is that Dorset Council or Launceston City Council?

Response from Mayor Greg Howard:

If representors against the current development application appeals the decision of the Launceston City Council, assuming that it is approved, they will be appealing against the Launceston City Council, not against Dorset.

Councillor Edwina Powell:

Again this Council Meeting is being held in the Chambers, which is a pretty cramped space overall. We are still restricting numbers attending the Meetings and we are severely restricted in this building here because of COVID. When are we going to lift those restrictions as other organisations have done?

Response from Mayor Greg Howard:

It is not because of COVID, it is for the practicality of the room. Most meetings that we hold here, and tonight would be one of the larger public galleries we've had. Most of the meetings over the past four years there have been perhaps one or two extra people than our regular attendees. We can't justify paying hire fees for a different location, such as the Library when this occurs.

How many members of the public can we have in this room?

Response from Executive Assistant, Sarah Forsyth:

Ten.

What is the waste management fee charged for commercial businesses?

Response from Acting General Manager, John Marik:

Some of them through remissions were reduced to \$2,000.

Talking about Derby, who owns the tap and donate machines located in businesses around town and how does that money get transferred to Dorset Council accounts?

Response from Acting General Manager, John Marik:

The donations go directly to the Blue Derby Foundation. We will take the ownership question on notice.

Councillor Dale Jessup:

The Scottsdale taxi service recently closed for business. I have had concerns raised by residents regarding the affect this will have on residents who don't have their own transport, especially getting to appointments. I know we have had some discussions with community house about using the vehicle that they have available, but it is not as flexible as a taxi would be. Do we have any update on that, or is there anything that Council can do to alleviate that situation?

Response from Mayor Greg Howard:

We can't do anything to alleviate it. Those plates would be available to another operator who may wish to provide this service. Will take your question on board and attempt to contact the previous owner of the service and find out why, and see if

there is an opportunity for someone to purchase the plates and re-establish the service.

Councillor Leonie Stein:

Is the process of the crushing of ballast on the proposed Rail Trail the same that has occurred on the existing Rail Trail from Scottsdale to the Billycock?

Response from Mayor Greg Howard:

Yes.

How long has the existing Rail Trail been in place?

Response from Mayor Greg Howard:

Approximately 2012.

Has there been any evidence from any land owner in that time that has come forward that has had any concerns about contamination of any property, produce, waterways, etc. at this point?

Response from Mayor Greg Howard:

No.

Item 164/22 Notices of Motion by Councillors

Councillor Edwina Powell | 19 September 2022 Council Meeting

Councillor Powell advised intent to foreshadow the motion regarding the Rates Resolution passed at the 18 July Council Meeting, in particular the varied waste management charges, to be discussed at the 17 October 2022 Council Meeting.

Councillor Powell withdrew this intent on 4 October 2022.

Mayor Howard vacated the Chair for Item 165 (6:41pm)

Deputy Mayor Jessup took the Chair for Item 165

Item 165/22 Notice of Motion | Councillor Greg Howard – Blue Derby Operations
Ref: DOC/22/11756 | Notice of Motion: DOC/22/11747

Purpose

The purpose of this agenda item is to consider a notice of motion proposed by Councillor Greg Howard.

Recommendation – Cr Howard

That Dorset Council commence negotiations with the Blue Derby Foundation with a view to transfer the operations of the Blue Derby Trails to the Foundation or a similar representative group of Derby businesses.

Transfer would occur on the following basis:

1. A delegation from the Dorset Council consisting of the Mayor, Deputy Mayor, General Manager and one other Councillor will conduct the negotiations.
2. That Dorset Council shall have a representative on the Board of any such organisation or group.
3. Any agreement shall contain a reversionary clause in the event of unsatisfactory performance by the organisation or group.
4. Transfer would include all income streams of the Trails, including the new booking platform, camping fees, maintenance subsidies, sponsorship camping fees and merchandise sales.
5. Transfer would include costs associated with trail maintenance and marketing and promotion.

***Councillor Nichols left the room (6:58 pm) during discussion*

DECISION

MOVED: Cr Howard | SECONDED: Cr Chilcott

That Dorset Council commence negotiations with the Blue Derby Foundation with a view to transfer the operations of the Blue Derby Trails to the Foundation or a similar representative group of Derby businesses.

Transfer would occur on the following basis:

1. A delegation from the Dorset Council consisting of the Mayor, Deputy Mayor, General Manager and one other Councillor will conduct the negotiations.
2. That Dorset Council shall have a representative on the Board of any such organisation or group.
3. Any agreement shall contain a reversionary clause in the event of unsatisfactory performance by the organisation or group.
4. Transfer would include all income streams of the Trails, including the new booking platform, camping fees, maintenance subsidies, sponsorship camping fees and merchandise sales.
5. Transfer would include costs associated with trail maintenance and marketing and promotion.

CARRIED

Mayor Howard took the Chair (7:02 pm)

Councillor Hughes declared an interest in Item 166, however stated it was immaterial and did not leave the Meeting.

Item 166/22 Remission of Varied Waste Management Charge

Reporting Officer: Acting General Manager, John Marik
Ref: DOC/22/11787

Purpose

The purpose of this agenda item is to amend the delegation provided to the General Manager at the July 2022 Council Meeting in relation to remissions of the varied waste management charge.

Recommendation

1. That Council's policy position be amended to provide the General Manager with the delegation for the 2022/23 rating year to provide any remission of the varied waste management charge; and
2. That Council provide the General Manager with the delegation for the 2022/23 rating year to make a decision in respect of any objections to the varied waste management charge received from a ratepayer pursuant to section 109 of the *Local Government Act 1993*.

***Councillor Nichols rejoined the Meeting mid discussion (7:03 pm)*

Proposed Amendment

MOVED: Cr Powell | SECONDED: Cr McLennan

3. That a clear set of criteria be established for the variation of charges for short-term accommodation businesses in respect of any objections, as approved by Council.
4. That the waste management charges for identified commercial short-term accommodation businesses be the same for each town, with variation from \$120 up to \$1,020 only.

Voting for the Amendment: Crs Powell, McLennan

Voting Against the Amendment: Crs Howard, Jessup, Chilcott, Hughes, Lade, Nichols, Stein

AMENDMENT LOST

DECISION

MOVED: Cr Nichols | SECONDED: Cr Jessup

1. That Council's policy position be amended to provide the General Manager with the delegation for the 2022/23 rating year to provide any remission of the varied waste management charge; and
2. That Council provide the General Manager with the delegation for the 2022/23 rating year to make a decision in respect of any objections to the varied waste management charge received from a ratepayer pursuant to section 109 of the *Local Government Act 1993*.

Voting for the Motion: Crs Howard, Jessup, Chilcott, Hughes, Lade, Nichols, Stein

Abstained from Voting: Crs Powell, McLennan

CARRIED

Item 167/22

Annual Plan 2022/23 | September Quarterly Report

Reporting Officer: Acting General Manager, John Marik

Ref: DOC/22/11747 | Quarterly Report: DOC/22/8169

Purpose

The purpose of this agenda item is to update Council and the community on progress of the 2022/23 Annual Plan as at 30 September 2022.

Recommendation

1. That Council defer Activity No. 4 (Hold the inaugural DerbyFEST MTB Festival) and include the activity within Council's 2023/24 Annual Plan.
 2. That the attached Annual Plan 2022/23 September Quarterly Report be received and noted.
-

DECISION

MOVED: Cr Chilcott | SECONDED: Cr Hughes

1. That Council defer Activity No. 4 (Hold the inaugural DerbyFEST MTB Festival) and include the activity within Council's 2023/24 Annual Plan.
2. That the attached Annual Plan 2022/23 September Quarterly Report be received and noted.

CARRIED UNANIMOUSLY

Item 168/22 Outgoing Council Acknowledgement

That the service of the 2018 - 2022 Council be acknowledged and that those Councillors who wish to, be invited to address the meeting.

Councillors - that wished to - addressed the Meeting and public gallery.

Item 169/22 Closure of Meeting to the Public

DECISION

MOVED: Cr Jessup | SECONDED: Cr Stein

That the Meeting be closed to the public pursuant to Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015, and that members of the public be required to leave the meeting room.

Time Meeting Closed to the Public: 7:46 pm

CARRIED UNANIMOUSLY

Meeting Adjourned: 7:46 pm

Reason: For tea break with members of the public

Meeting Resumed: 7:57 pm

CLOSED SESSION AGENDA ITEM

The following matter was listed in the Closed Session Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015:

Item 170/22 General Manager Update

The report on this matter was listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015* as the detail covered in the respective report relates to:

- Personnel matters

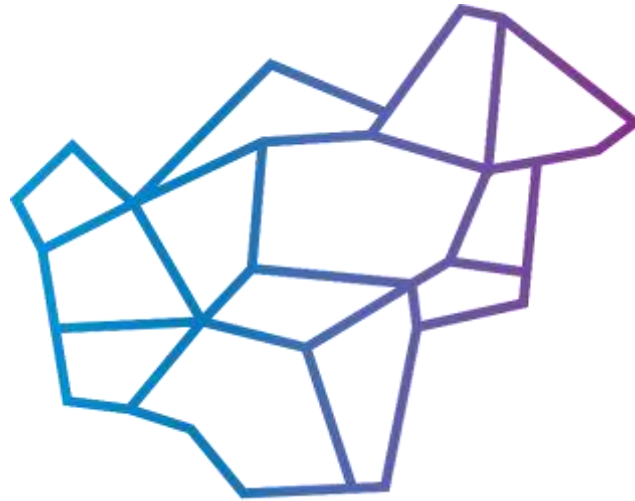
Time Meeting Closed: 9:37 pm

Minutes Confirmed: 21 November 2022

Minute No:

.....

Mayor



dorset
C O U N C I L

UNCONFIRMED

Minutes

Special Council Meeting

28 October 2022

it's in the making

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Special Council Meeting
UNCONFORMED Minutes
28 October 2022

Meeting Opened: 8:40 am

Present: Crs Greg Howard (Mayor), Dale Jessup (Deputy Mayor), Leonie Stein, Jerrod Nichols, Wendy McLennan, Murray Lade, Edwina Powell, Mervyn Chilcott

Apologies: Cr Jan Hughes

Item 172/22 Declaration of an Interest of a Councillor or Close Associate

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015* and Council's adopted Code of Conduct, the Mayor requests Councillors to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary interest or pecuniary detriment) or conflict of interest in any item on the Agenda.

INTEREST DECLARED

Cr Greg Howard Item 174 (conflict)
Cr Dale Jessup Item 174 (immaterial)
Cr Jerrod Nichols Item 174 (immaterial)

Item 173/22 Closure of Meeting to the Public

DECISION

Moved: Cr Chilcott | **SECONDED:** Cr Lade

That the Meeting be closed to the public pursuant to Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, and that members of the public be required to leave the meeting room.

Time Meeting Closed to the Public: 8:50 am

CARRIED UNANIMOUSLY

CLOSED SESSION AGENDA ITEM

The following matter was listed in the Closed Session Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015:

Item 174/22 General Manager Update

The report on this matter was listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015* as the detail covered in the respective report relates to:

- Personnel matters

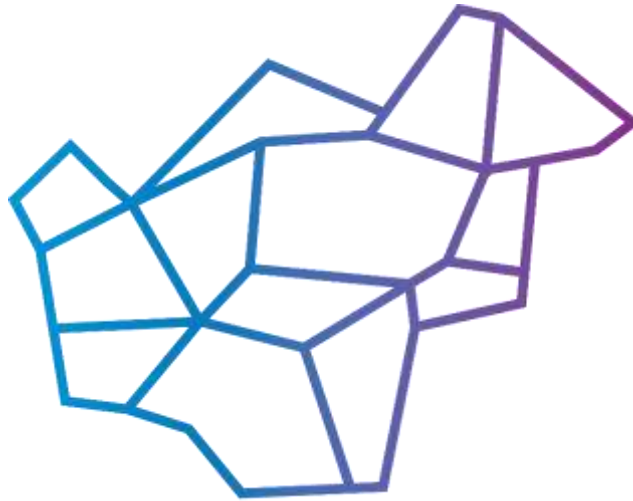
Time Meeting Closed: 9:45 am

Minutes Confirmed: 21 November 2022

Minute No.

.....

Mayor



dorset
C O U N C I L

UNCONFIRMED

Minutes

Special Council Meeting

8 November 2022

it's in the making

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Time Meeting Closed: 3:44 pm	4



Special Council Meeting
UNCONFIRMED Minutes
8 November 2022

Meeting Opened: 3:40 pm

Present: Crs Greg Howard (Mayor), Dale Jessup (Deputy Mayor), Edwina Powell, Beth Donoghue, Anna Coxen, Kahlia Simmons, Mervyn Chilcott, Leonie Stein, Jerrod Nichols

Acting General Manager: John Marik, Director – Community & Development:
Rohan Willis, Director – Works & Infrastructure: Dwaine Griffin

Apologies: Nil

Item 176/22 Opening of Meeting with 2022 Elected Council

Mayor Greg Howard formally opened the first meeting of the newly elected Council.

Item 177/22 Tabling of Certificate of Election
Ref: DOC/22/12926

DECISION

MOVED: Cr Jessup | **SECONDED:** Cr Stein

That Declarations of Office made under Section 321 of the *Local Government Act 1993* and in accordance with Regulation 40 and Schedule 2 of the *Local Government (General) Regulations 2015* by the newly elected Councillors and as witnessed by the Acting General Manager and those present at the meeting, be noted and form part of these minutes.

CARRIED UNANIMOUSLY

Councillors, who wished to, addressed the Special Meeting.

Time Meeting Closed: 3:44 pm

Minutes Confirmed: 21 November 2022

Minute No:

.....

Mayor

DORSET COUNCIL – Planning Approvals 1 October 2022 to 31 October 2022

DEV-2022/117	Mrs S E Turner 106 Westwood ST BRIDPORT	Lodged 29/08/2022	Change of Use (Visitor Accommodation) Determined APPD on 12/10/2022
DEV-2022/118	Plain Architecture 2 Church ST DERBY	Lodged 29/08/2022	Visitor Accommodation (1 Unit - Change of Use, Additions, and Alterations) with relaxation of front and side boundary setbacks, demolition, roof form and materials, and wall material standards Value of Works - \$400,000 Determined APPD on 12/10/2022
DEV-2022/119	Miss A K Forsyth 92 Petterwood RD TRENAH	Lodged 30/08/2022	Farm Manager Dwelling with relaxation of boundary setback standards Value of Works - \$480,000 Determined APPD on 11/10/2022
DEV-2022/120	Mr S Lawes 50 Main ST DERBY	Lodged 30/08/2022	Visitor Accommodation Additions (ancillary unit) and Attached Deck (retrospective) with relaxation of rear boundary, roof form and materials, wall materials, and window materials standards Value of Works - \$43,000 Determined APPD on 12/10/2022
DEV-2022/121	Wilson Homes Hawkes PL SCOTTSDALE	Lodged 06/09/2022	Multiple Dwellings (17 Units) Value of Works - \$2,975,000 Determined APPD on 17/10/2022

DEV-2022/122	Mr M O Ofei 3 Moore ST PIONEER	Lodged 06/09/2022 Visitor Accommodation (1 Unit) with relaxation of boundary setback and vegetation management standards Value of Works - \$140,000	Determined APPD on 17/10/2022
DEV-2022/123	Mr H Johnson 9 George ST SCOTTSDALE	Lodged 13/09/2022 External rebranding and installation of advertising signage with relaxation of height and frontage setback standards Value of Works - \$42,893	Determined APPD on 13/10/2022
DEV-2022/127	Mr D Underhill 35 Main ST BRIDPORT	Lodged 20/09/2022 Attached Deck Extension with relaxation of building envelopes (side boundary setback) standards Value of Works - \$19,000	Determined APPD on 13/10/2022
DEV-2022/128	Mr A W Howlett 371 Sandy Points RD BRIDPORT	Lodged 20/09/2022 Shed with relaxation of outbuilding standards Value of Works - \$50,000	Determined APPD on 10/10/2022
DEV-2022/129	Ms G P Cameron 58 Tomahawk DR TOMAHAWK	Lodged 20/09/2022 Change of Use (Visitor Accommodation - 1 Unit)	Determined APPD on 28/10/2022
DEV-2022/132	Bison Constructions 37 Legerwood LANE LEGERWOOD	Lodged 27/09/2022 Farm Shed with relaxation of boundary setback standards Value of Works - \$90,000	Determined APPD on 28/10/2022

DEV-2022/134	Mr M V Hardy 13/35 Main ST BRIDPORT	Lodged 30/09/2022	Change of Use (Residential) Determined APPD on 27/10/2022
DEV-2022/139	Mr C E Wheeler Mrs L N Wheeler 12 McLennan ST SCOTTSDALE	Lodged 12/10/2022	Deck Extension Value of Works - \$8,000 Determined APPD on 19/10/2022
DEV-2022/140	Mr D Lloyd - Webb 135 Westwood ST BRIDPORT	Lodged 17/10/2022	Building Addition Value of Works - \$100,000 Determined APPD on 17/10/2022
DEV-2022/141	Ms R K Nothrop 32 Walter ST BRIDPORT	Lodged 17/10/2022	Change of Use - Visitor Accommodation Determined APPD on 27/10/2022
DEV-2022/144	Mr T C Joyce 33 Bentley ST BRIDPORT	Lodged 19/10/2022	Shed Value of Works - \$30,000 Determined APPD on 19/10/2022

DORSET COUNCIL – Building Approvals

1 October 2022 to 31 October 2022

OTH-2022/108	Mr L M Green 5 Philip ST SCOTTSDALE	Lodged 26/08/2022 Value of Works - \$15,000	New Garage Determined APPR on 11/10/2022
OTH-2022/110	Mr G G McCallum Mrs B C McCallum 35917 Tasman HWY SPRINGFIELD	Lodged 30/08/2022 Value of Works - \$100,000	Ancillary Dwelling Determined APPR on 12/10/2022
OTH-2022/113	Sharch Pty Ltd 61 Duncraggen RD JETSONVILLE	Lodged 06/09/2022 Value of Works - \$73,000	New Farm Shed Determined APPR on 04/10/2022
OTH-2022/114	Mr A J Davenport 385 Derby Back RD DERBY	Lodged 06/09/2022 Value of Works - \$30,000	New Farm Shed Determined APPR on 11/10/2022
OTH-2022/115	Mr R J Dale 59 King ST SCOTTSDALE	Lodged 07/09/2022 Value of Works - \$6,220	Dwelling Extension Determined APPR on 05/10/2022
OTH-2022/117	Mrs C G Knight 34572 Tasman HWY TONGANAH	Lodged 20/09/2022 Value of Works - \$12,000	New Shed Determined APPR on 12/10/2022

OTH-2022/118	Design to Live 4 Alexander ST BRIDPORT	Lodged 20/09/2022 New Dwelling, Conversion of existing Dwelling to Visitor Accommodation & Dwelling Alterations and Additions Value of Works - \$750,000	Determined APPR on 10/10/2022
OTH-2022/119	Mr L J Clark 72 Carisbrook LANE LEGERWOOD	Lodged 21/09/2022 New Shed Value of Works - \$30,000	Determined APPR on 05/10/2022
OTH-2022/120	Mr A W Howlett Mrs C T Howlett 371 Sandy Points RD BRIDPORT	Lodged 21/09/2022 New Shed Value of Works - \$50,000	Determined APPR on 11/10/2022
OTH-2022/121	Mr P L Randell 35411 Tasman HWY SCOTTSDALE	Lodged 26/09/2022 New Shed Value of Works - \$40,000	Determined APPR on 10/10/2022
BLD-2022/91	Stronach View Pty Ltd 22 William ST SCOTTSDALE	Lodged 27/10/2022 New Storage Complex #2 Value of Works - \$120,000	Determined APPR on 27/10/2022

DORSET COUNCIL – Plumbing Approvals

1 October 2022 to 31 October 2022

SP-2022/110	Mr G G McCallum Mrs B C McCallum 35917 Tasman HWY SPRINGFIELD	Lodged 30/08/2022	Ancillary Dwelling	
		Value of Works - \$100,000		Determined APPR on 12/10/2022
OTH-2022/118	Design to Live 4 Alexander ST BRIDPORT	Lodged 20/09/2022		
		New Dwelling, Conversion of existing Dwelling to Visitor Accommodation & Dwelling Alterations and Additions		
		Value of Works - \$750,000		Determined APPR on 10/10/2022
OTH-2022/121	Mr P L Randell 35411 Tasman HWY SCOTTSDALE	Lodged 26/09/2022	New Shed	
		Value of Works - \$40,000		Determined APPR on 10/10/2022

DORSET COUNCIL

Planning Application PLA/2022/135 – Visitor Accommodation (1 Unit) – Assessment Report

Purpose

The purpose of this report is for Council to consider a proposal for the use and development of one visitor accommodation unit at Unit 6, 4 Bridview Place Bridport. Vehicle access to the unit would be provided from (i) Bridview Place via a private road (common property of Strata Corporation No. 161796) and an existing Right of Way over F/R 10517/3; and (ii) Crown Land Esplanade Bridport and F/R 165691/1 Main Street Bridport.

Background

Location

The land subject to the proposal is addressed as the following:

Subject Land	Owner	PID	Folio of the Register
Unit 6 4 Bridview Place Bridport	Shane Wager and Lydia Wager	9383552	161796/6
Strata Corporation Number 161796, 4 Bridview Place, Bridport	Strata Corporation Number 161796, 4 Bridview Place, Bridport	---	161796/0
F/R 10517/3 Bridview Place Bridport	James Leitch, Roslyn Leitch, and Tasmanian Deposit and Investment Company Proprietary Limited	---	10517/3
Esplanade Bridport	NRE Tas (Property Services)	7147574	---
F/R 165691/1 Main Street Bridport	Dorset Council	3546105	165691/1

Applicant

The applicant for the proposal is Lydia Wager.

Planning Controls

The subject land is controlled by the Dorset Interim Planning Scheme 2013 (referred to in this report as the 'Planning Scheme').

Statutory Timeframes

Date Received: 4 October 2022

Advertised: 8 October 2022

Closing date for representations: 22 October 2022

Extension of time granted: 24 October (until 22 November 2022)

Decision due: 21 November 2022

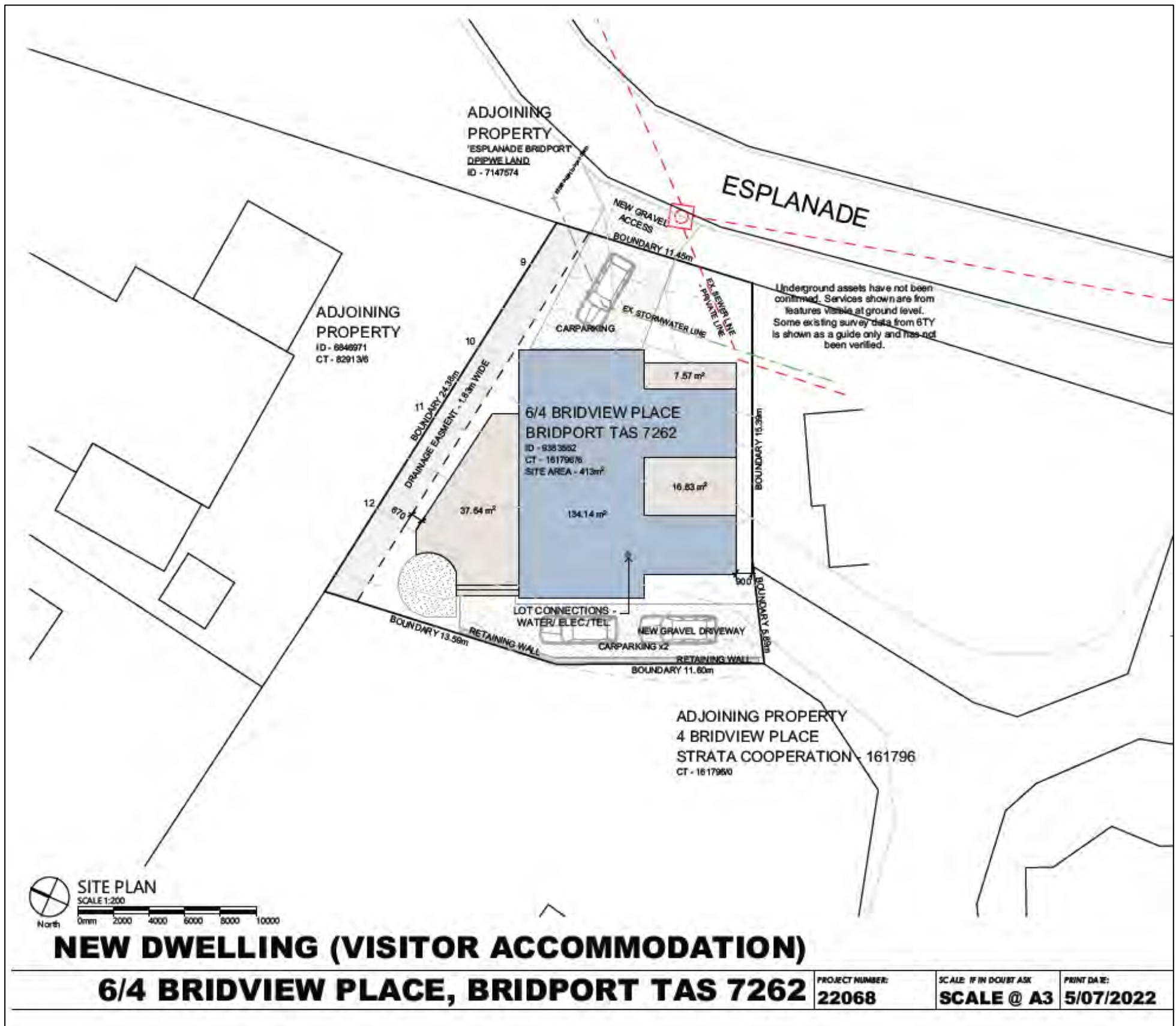
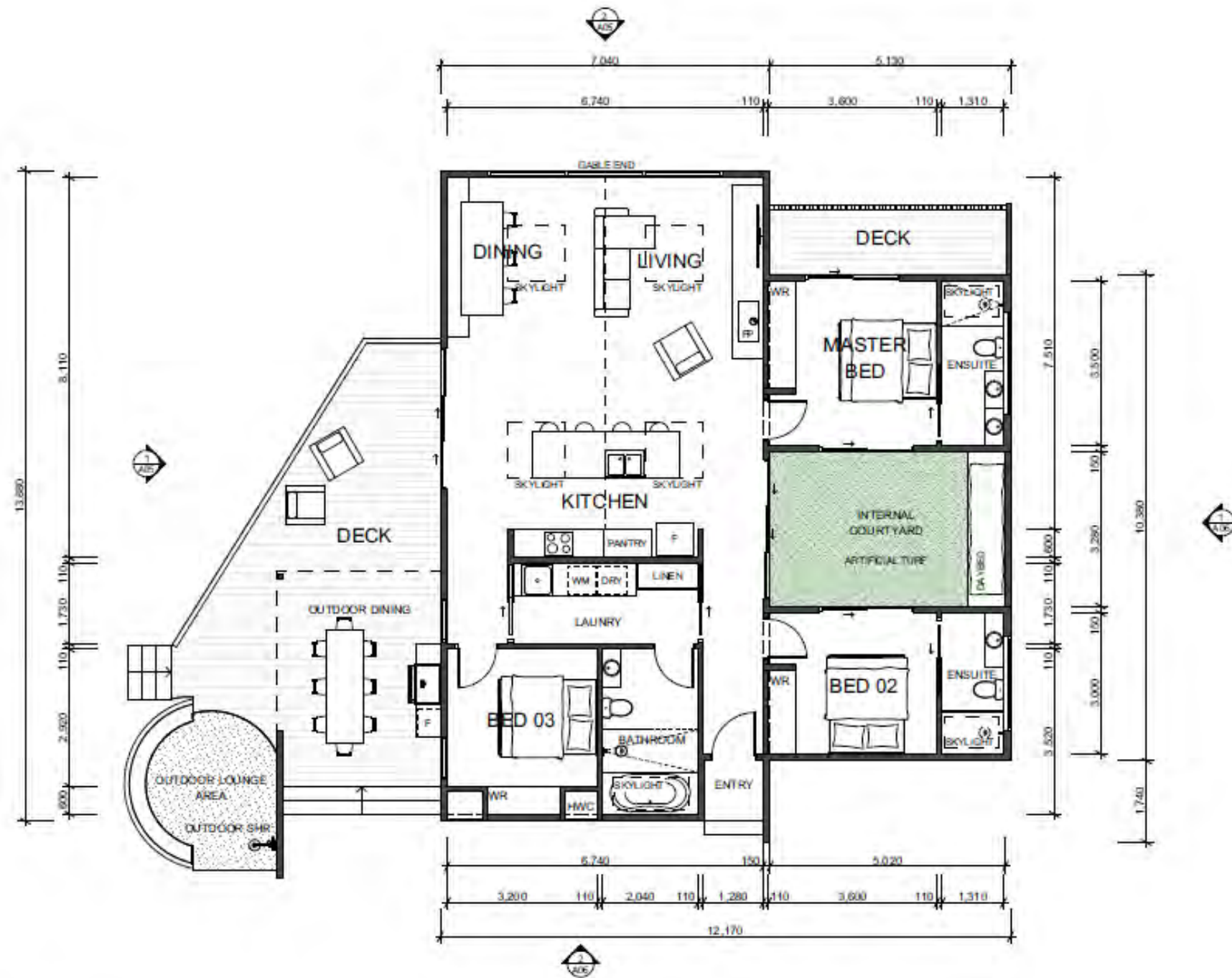


Figure 2 –Site plan of proposed visitor accommodation unit (source Plans to Build 2022)



UPPER GROUND FLOOR PLAN
 SCALE 1:100

NEW DWELLING (VISITOR ACCOMMODATION)

6/4 BRIDVIEW PLACE, BRIDPORT TAS 7262

PROJECT NUMBER:
22068

SCALE: IF IN DOUBT ASK
SCALE @ A3

PRINT DATE:
5/07/2022

Figure 3 – Upper ground floor plan of proposed visitor accommodation unit (source: Plans to Build 2022)

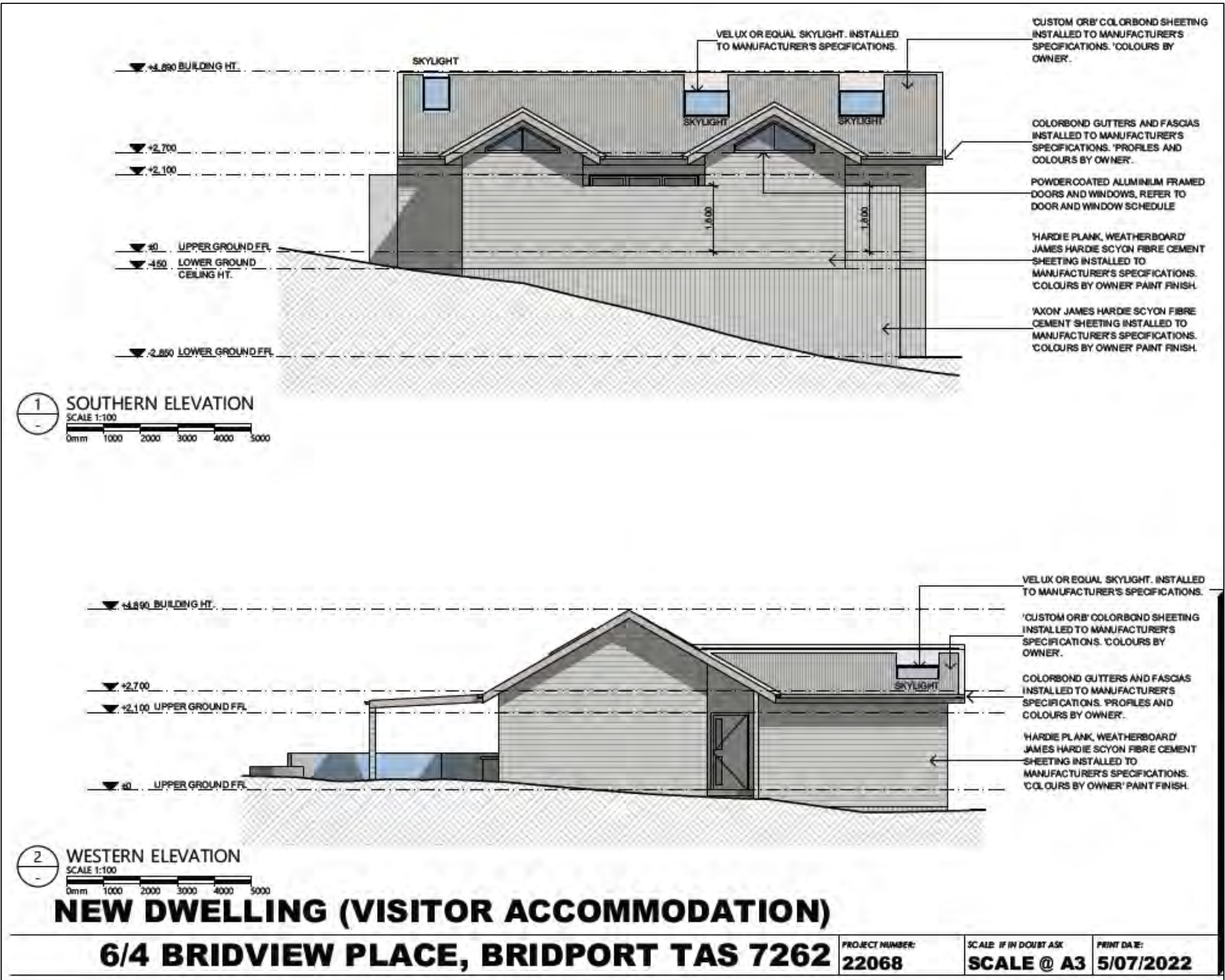
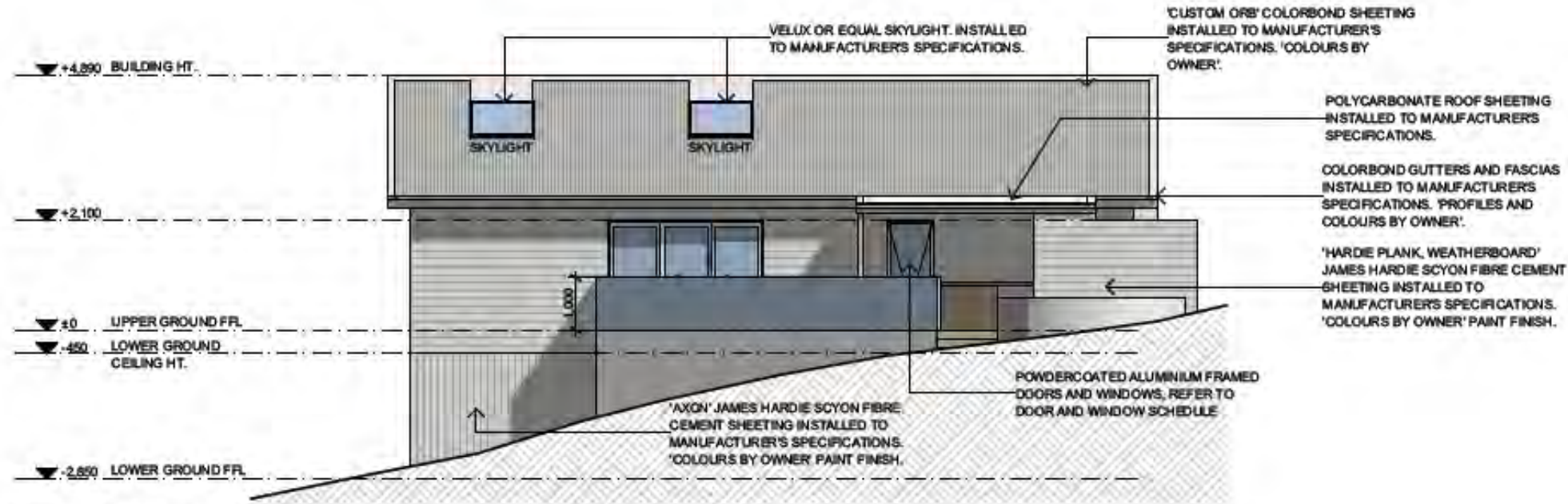


Figure 4 – Western and Southern elevations of proposed visitor accommodation unit (source: Plans to Build 2022)



1
NORTHERN ELEVATION
SCALE 1:100
0mm 1000 2000 3000 4000 5000



2
EASTERN ELEVATION
SCALE 1:100
0mm 1000 2000 3000 4000 5000

NEW DWELLING (VISITOR ACCOMMODATION)

6/4 BRIDVIEW PLACE, BRIDPORT TAS 7262

PROJECT NUMBER: 22068	SCALE IF IN DOUBT ASK SCALE @ A3	PRINT DATE: 5/07/2022
--------------------------	-------------------------------------	--------------------------

Figure 5 – Northern and Eastern elevations of proposed visitor accommodation unit (source: Plans to Build 2022)

The Site

The land subject to the proposed visitor accommodation unit is comprised of Folio of the Register (F/R) 161796/6 (addressed as Unit 6 4 Bridview Place Bridport) and relies upon vehicle access through (i) the common property of Strata Corporation Number 161796, 4 Bridview Place Bridport, and F/R 10517/3 Bridview Place, Bridport and (ii) the crown Esplanade Bridport and F/R 165691/1 Main Street Bridport. The Esplanade Bridport and F/R 165691/1 Main Street Bridport are located within the Environmental Management Zone and the Open Space Zone respectively. All other land subject to the application is located within the General Residential Zone. The registered owners of Unit 6 4 Bridview Place Bridport is Shane and Lydia Wager.

The subject land is an irregular, albeit nearly trapezoidal, lot and is situated at the rear of the strata site. The proposal contemplates a dual vehicle access arrangement with

4 Bridview Place Bridport, when considered in isolation, has primary, and sole, frontage onto Bridview Place. The dirt track to the east of the site – known as the Esplanade – is a NRE Tas (Property Services) owned and managed track. Despite it enjoying a 'public' user type status, it is not a road for the purposes of the Planning Scheme (as it is not managed by the Department of State Growth nor the Council). As a result, the eastern boundary of Unit 6 4 Bridview Place Bridport is taken to be a side boundary instead of a frontage.

Unit 6 4 Bridview Place Bridport has a lot size of 413 square metres and can currently be accessed by an existing crossover onto Bridview Place Bridport shared by the Strata Corporation and an informal access to Main Street Bridport via the Esplanade. The topography of this lot slopes from west to east towards the Brid River, with an average slope of 1:5 from the western and eastern sides of the lot. In terms of total height above sea level, the elevation of the lot changes from approximately 13 HD at its highest (western extent) down to 8.5 AHD at the north-eastern corner. This equates to a change in elevation of approximately 4.5 metres.

The vehicle access through the common property of the strata complex and F/R 10517/3 starts at 23 AHD at the Bridview Place frontage. From there the access is relatively flat for 60 metres where it only drops less than two metres) and then subsequently drops to approximately 12 AHD once it reaches Unit 6 over a length of 70 metres. This equates to an average slope along these two sections of 1:35 and 1:8.5 metres respectively.

The proposed vehicle access between Unit 6 4 Bridview Place and the Main Street is via an unsealed gravel access track with a nominal variable width of approximately 3.5 metres and an average slope of 3.4% over a length of approximately 178 metres.

Figures 6-10 below provide images of the development site:



Figure 6 – Unit 6 (right) including Unit 5 (centre) and Unit 4 (left), viewed from Esplanade facing west-southwest (photo taken 14 February 2022)



Figure 7 – Unit 6 (right) including Unit 5 (left), viewed from Esplanade facing west-southwest (photo taken 26 October 2022)

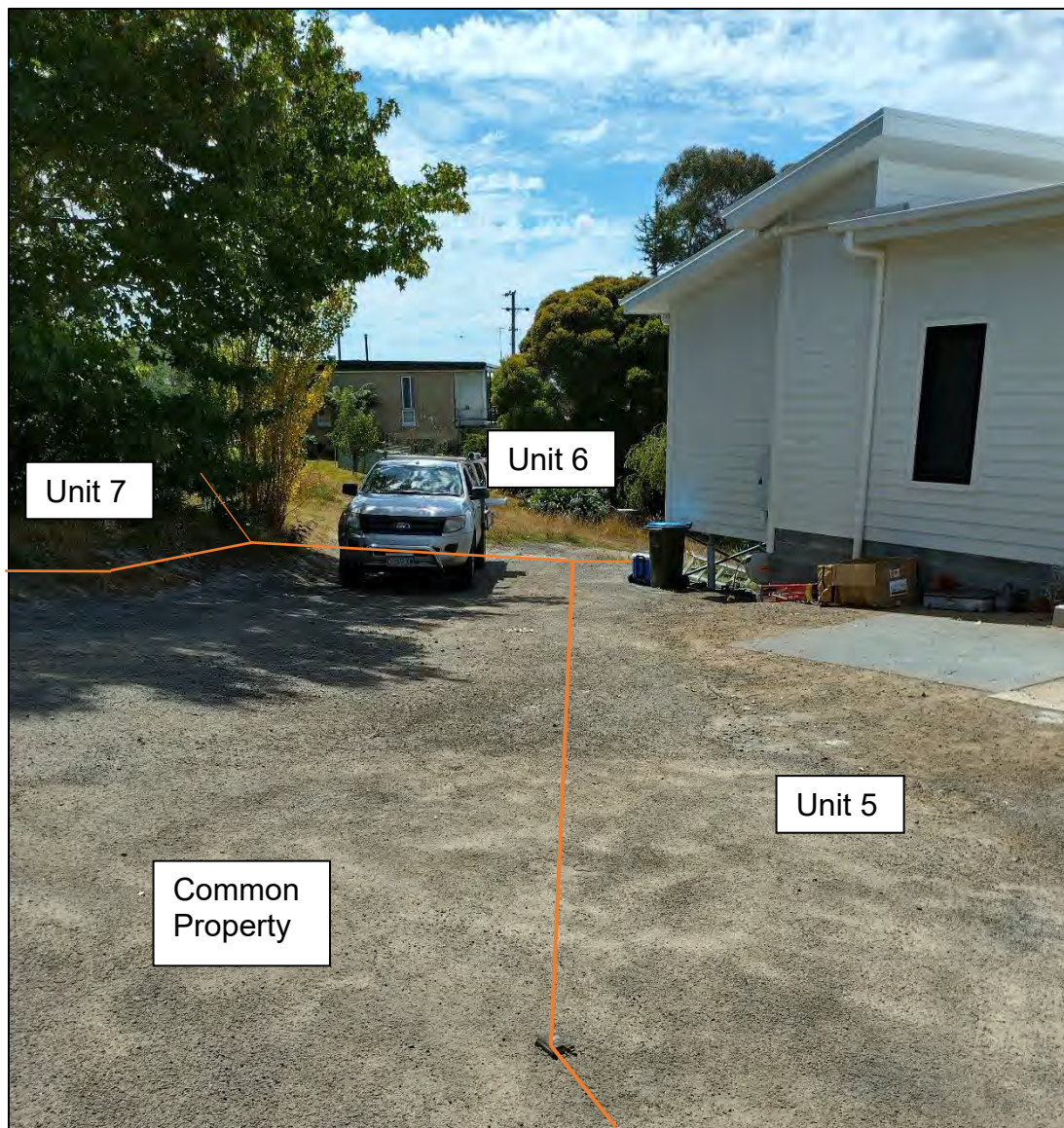


Figure 8 – Subject site with approximate strata boundaries of the common property, viewed internally from the common property adjacent to Unit 5 facing north (photo taken 26 October 2022).



Figure 9 – Subject site, viewed internally near the common property adjacent to Unit 5 facing east towards the Esplanade (photo taken 26 October 2022).



Figure 10 – The Esplanade viewed from its entrance onto the Main Street car park, facing west (photo taken 26 October 2022).

Surrounding Land

The subject land is immediately adjoined by (i) 3 Bridview Place, 5 Bridview Place, and 6 Bridview Place to the south, (ii) 31 Elizabeth Street to the west, (iii) 1 Louisa Street, 3 Louisa Street, and 5 Louisa Street, and (iv) numerous parcels surrounding Esplanade Bridport (DPIPWE land) to the east. Within the strata corporation, Units 1, 2, 3, 4, 5, and 7 also constitute adjoining land.

Almost all surrounding developed properties to the north, west, and south are approved for residential use and are situated within the General Residential Zone. To the east is situated the Bridport Wharf and its surrounding port activities.

All lots currently developed within the strata corporation are used for residential purposes. A visitor accommodation unit was recently approved for Unit 2 and is currently in the process of being developed. Unit 1 is currently vacant.

Consultation with State Government & Other Authorities

TasNetworks

The proposal was referred to TasNetworks in accordance with section 44L of the *Electricity Supply Industry Act 1995* on 5 October 2022.

TasNetworks undertook its assessment of the application and advised Council on 7 October 2022 that based on the information provided, the development is not likely to adversely affect TasNetwork's operations.

This advice, as required under section 44M(2) of the *Electricity Supply Industry Act 1995*, was provided to the applicant within 5 business days of having received TasNetworks notice.

TasWater

The proposal was referred to TasWater in accordance with section 56O of the *Water and Sewerage Industry Act 2008* on 5 October 2022.

TasWater undertook its assessment of the application and requested further information from the applicant on 12 October and 25 October 2022. Upon receipt of the requested information, TasWater provided to Council its Submission to Planning Authority Notice (SPAN) on 2 November 2022. Pursuant to Section 56P(1) of the *Water and Sewerage Industry Act 2008*, TasWater - through this SPAN - imposed its conditions on any permit for this application. A copy of this SPAN is attached to the Agenda Report.

Any permit issued by the Planning Authority must incorporate TasWater's conditions as outlined above and within their Submission to Planning Authority Notice, dated 2 November 2022

Officer's Comments

Details of Proposal

The proposal seeks planning approval for the use and development of one visitor accommodation unit.

The proposed building would comprise a one and a half storey visitor accommodation unit with one habitable floor and a partially exposed garage and basement that would be cut into the ground. Along the building's roof apex, it would have a building height above natural ground level of approximately 5.3 metres at its western face and 7.9 metres at its eastern face. The building would have a structural floor and frame of timber, external walls clad in white 'Hardie

Plank' weatherboard and 'Axon' James Hardie Scyon fibre cement sheeting and white 'Custom Orb' Colorbond sheeting with skylights.

An approximately 38 square metre attached deck would extend from the upper ground floor to the north-northwest and would be partially roofed and also include a 2.5 metre diameter plunge pool. Meanwhile, a smaller 7.5 square metre deck would extend to the east from master bedroom on the same floor.

The existing internal vehicle access of the strata corporation is two coat seal. The existing Esplanade access track is an impervious all weather gravel. The submitted plans identify the delineation of three parking spaces

The submitted plans identify the delineation of three (3) parking spaces within the boundaries of Unit 6. Two (2) tandem parking spaces would be access via the internal vehicle access of the strata whilst one (1) parking space is delineated with access from the Esplanade. The proposed garage would, depending on the intended use, also be able to accommodate an additional two parking spaces if desired.

PLANNING ASSESSMENT

The proposal must be considered against the provisions of the LUPA Act. It must also be considered against pertinent State Policies and the provisions of the Dorset Interim Planning Scheme 2013, including all applicable Planning Directives. A response to the relevant provisions is provided below.

Land Use Planning and Approvals Act 1993

It is a requirement that use and development proposals that fall within the ambit of consideration of the LUPA Act must act to further the objectives set out in Schedule 1 of the Act.

Objectives stipulated under Schedule 1 of the LUPA Act are as follows:

PART 1 – Objectives of the Resource Management and Planning System of Tasmania

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*
- (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and*
- (c) to encourage public involvement in resource management and planning; and*
- (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and*
- (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

Town Planner's Response:

The proposal is consistent with the objectives of the Act as described above, as (i) the impact of the proposal would, through the implementation of appropriate conditions, not result in significant detriment in terms of adjoining properties; (ii)

public involvement has been encouraged via the public advertisement of the proposal, inviting representations to be made; and (iii) with appropriate conditions, the proposal would facilitate economic development that is commensurate with objectives (a), (b) and (c).

PART 2 - Objectives of the Planning Process Established by this Act

The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule –

- (a) to require sound strategic planning and co-ordinated action by State and local government; and*
- (b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and*
- (c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and*
- (d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and*
- (e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and*
- (f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and*
- (g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and*
- (h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and*
- (i) to provide a planning framework which fully considers land capability.*

Town Planner's Response:

A comprehensive suite of planning instruments have been recognised in assessment of this proposal, including the Planning Scheme, State Policies, Land Use and Planning Approvals Act 1993 and other applicable planning instruments – providing a robust framework for the appraisal of the development. It is regarded that the proposed development is conducive to the policy expectation of the planning instruments that the proposal is bound to being assessed against in terms of economic, environmental and social benefits for Tasmania.

The proposal takes into account state, regional and local planning policies and strategies (including those that the proposal is to be appraised against in the following sections).

With the inclusion of appropriate conditions, it is considered that any potential impacts associated with the proposal would be mitigated and/or managed appropriately. The proposal is therefore considered to be consistent with the objectives of the LUPA Act as described above.

State Policies

State Coastal Policy 1996

The proposed visitor accommodation unit is approximately 40 metres from the nearest coastline (the estuary component of Brid River). Accordingly, the proposal falls within the coastal zone. Outcomes of the State Coastal Policy 1996 that are pertinent to the proposal are detailed below.

2. Sustainable Development of Coastal Areas and Resources

2.4.1 Any urban and residential development in the coastal zone, future and existing, will be identified through designation of areas in planning schemes consistent with the objectives, principles and outcomes of this Policy.

Town Planner's Response

The proposal represents urban development that would be directed to a suitable urban location when considering the objectives, principles and outcomes of the policy to a) protect the natural and cultural values of the coast and b) to use and develop the coast in a sustainable manner. As detailed further below, the proposal is also subject to and considered against the relevant planning controls.

2.4.2. Urban and residential development in the coastal zone will be based in existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.

Town Planner's Response

The proposal represents urban development in an area that is designated by the Planning Scheme as appropriate for urban development. It is considered that the development proposed would not have a significant visual impact when the area is viewed from the coastal zone.

As such, the proposal would not contravene the objectives of this State Policy.

State Policy on the Protection of Water Quality Management 1997

This State Policy aims to achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development.

Town Planner's Response:

Subject to conditions relating to the adequate discharge of stormwater into Council's reticulated stormwater system, the proposal would not contravene the objectives of this State Policy.

State Policy on the Protection of Agricultural Land 2009

The changes incorporated as part of the State Policy on the Protection of Agricultural Land 2009 align with the proposal. The proposal is located within the urban area of Bridport. Accordingly, the requirements of the Policy are not contravened by the proposal.

National Environment Protection Measures

A series of National Environmental Protection Measures (NEPMs) have been established by the National Environment Protection Council. Measures that have been adopted as Tasmanian State Policies relate to the following:

- Air Toxins;
- Ambient Air Quality;
- Assessment of Site Contamination;
- Diesel Vehicle Emissions;
- Movement of Controlled Waste Between States and Territories;
- National Pollutant Inventory; and
- Used Packaging Materials.

Town Planner's Response:

The above NEPMs are not considered to be relevant to the proposal.

Representations

Council received two (2) representations, each objecting to the proposal. Key concerns expressed by the representations, and the Town Planner's response to these, are provided in the following:

Issue 1

Concern that the Esplanade is not wide enough to provide for vehicles to pass each other nor to turn around, resulting in vehicles entering private property at 1A Esplanade in order to turn.

Town Planners Response

As discussed further on in this report, it is noted that the existing dimensions and quality of the Esplanade is insufficient for the cumulative number of vehicles, intended to use the vehicle access.

The gravel road base of the Esplanade has an approximate width of 4.3 metres between Main Street and the subject site. The access width reduces in width down to 3 metres between the subject site and 1A Esplanade and 1 Esplanade. Whilst wider than the minimum standard of 3 metres, there are no existing dedicated and formed passing bays along the entire length of the route.

The proposed visitor accommodation unit contemplates one vehicle parking space being available from the Esplanade while 1A Esplanade, 1 Esplanade, and 23 Main Street are taken to have approximately two dedicated parking spaces each. While not denoted as a parking space, it is also acknowledged that the proposed garage may also be able to be used for an additional two vehicle parking spaces. Assuming the upper threshold of potential vehicle parking spaces, the Esplanade would, inclusive of the proposed visitor accommodation unit, service twelve (12) parking spaces at most, with the number of parking spaces that each segment of the Esplanade services reducing as the route proceeds (see Figure 11 below).



Figure 11 – Aerial imagery depicting the Esplanade, the number of parking spaces it would serve and the associated properties (adapted from www.thelist.tas.gov.au). © State of Tasmania

Table E6.2 (Access Widths for Vehicles) of the Car Parking and Sustainable Transport Code prescribes a minimum width of 4.5 metres for the initial 7 metres from the Main Street and 3 metres thereafter, with a passing bay (with an additional wide of 2 metres and a length of 5 metres plus entry and exit tapers) every 30 metres.

Table E6.2: Access Widths for Vehicles

Table E6.2: Access Widths for Vehicles		
Number of parking spaces served	Access width (see note 1)	Passing bay (2.0m wide by 5.0m long plus entry and exit tapers) (see note 2)
1 to 5	3.0m	Every 30m
6 to 20	4.5m* for initial 7m from road carriageway and 3.0m thereafter	Every 30m
21 and over	5.5m	Not applicable

***Note 1**

1. Carriageways must have an internal radius of at least 4.0 metres at changes of direction or intersections or be wider than 4.2 metres.

Note 2

1. Passing bay area is additional to the required carriageway width.
2. For one-way operation the minimum access width is 3 metres and there is no passing bay requirement.

Noting the topographical limitations of providing a passing bay every 30 metres, consideration of an appropriate number and location of additional passing bays is provided further on in this report.

Subject to conditions relating to the adequate construction of passing bays between Main Street and Unit 6 4 Bridview Place and the provision of appropriate signage (e.g. 'no through road'), the proposed vehicle access would be sufficiently wide, provide for passing, and enable three-point turn manoeuvres prior to

Issue 2

Concern that construction vehicles will use, damage, and block passage through blocking the Esplanade. A representor expresses a preference for construction vehicles to access the site via Bridview Place.

Town Planners Response

Noted. Whilst the Planning Authority cannot force construction vehicles to utilise specific access points, it can require the vehicle access to be constructed to an appropriate standard prior to the commencement of the use if approved. As such, if any damage does occur to the Esplanade, the applicant would not be able to commence the use of the building prior to the Esplanade being suitably reconstructed.

Subject to conditions requiring that vehicles associated with the proposal are kept clear of the Esplanade vehicle access, ongoing use of the Esplanade during construction can be reasonably managed.

Issue 3

Concern that the road is not suitable for the additional volume of traffic that the Visitor Accommodation unit will generate.

Town Planners Response

Noted. Subject to conditions relating to the adequate construction of the vehicle access prior to the commencement of the approved use, and ongoing maintenance thereon, the proposal would be of suitable quality and compliant with the Planning Scheme.

Issue 4

That the owner of Unit 6 4 Bridview Place Bridport be responsible for all costs associated with maintaining an approximate 100-150 metre section of the Esplanade from Main Street to the entrance of their property, with owners of 1A Esplanade being agreeable to the upkeep of the balance.

Town Planners Response

As it would be beholden upon the applicant to upgrade the vehicle access prior to the use of the building commencing, it is likely that the initial construction costs would be borne primarily by the applicant. This matter, however, is not relevant to the planning assessment. Distribution of costs between shared users of any private access is a civil matter.

Issue 5

The access is a badly deteriorating track with numerous potholes and an uneven surface.

Town Planners Response

Noted. Subject to conditions relating to the adequate construction of the vehicle access prior to the commencement of the approved use, and ongoing maintenance thereon, the proposal would be of suitable quality and compliant with the Planning Scheme.

Issue 6

That access to the proposed visitor accommodation should only be via Bridview Place.

Town Planners Response

Consideration of the appropriateness of the vehicle access is provided further on in this report.

Dorset Interim Planning Scheme 2013

The land pertaining to the primary part of the application (the proposed visitor accommodation unit) is located within the General Residential Zone. The proposed vehicle access through the Esplanade and F/R 165691/1 Main Street Bridport is located within the Environmental Management Zone and Open Space Zone respectively.

The application is for a Visitor Accommodation use, which is defined under Clause 3.1 of Planning Directive No. 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes - as:

“use of land for providing short or medium term accommodation for persons away from their normal place of residence. Examples include a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential hotel and serviced apartment.”

This use is classified as a Permitted Use in the General Residential zone in accordance with Planning Directive No. 6. This classification overrides the Discretionary Use status prescribed within Use Table 10.2 of the General Residential Zone.

Special Provisions

9.7 Access and Provisions of Infrastructure Across Land in Another Zone

If an application for use or development includes access or provision of infrastructure across land that is in a different zone to that which the main part of the use or development is located, and the access or infrastructure is prohibited by the provisions of the different zone, the planning authority may at its discretion approve an application for access or provision of infrastructure over the land in the other zone, having regard to:

- (a) whether there is no practical and reasonable alternative for providing access or infrastructure to the site;
- (b) the purpose and provisions of the zone and any applicable code for the land over which the access or provision of infrastructure is to occur; and
- (c) the potential for land use conflict with the use or development permissible under the planning scheme for any adjoining properties and for the land over which the access or provision of infrastructure is to occur.

Town Planners Response

The proposed visitor accommodation unit includes access through the Esplanade and the Main Street carpark, which are located within the Environmental Management and Open Space zones respectively, and wherein the provisions of these zones result in visitor accommodation (and residential) uses being prohibited within this particular context. The Planning Authority can therefore exercise its discretion in accordance with Special Provision 9.7 of the Planning Scheme.

While there is vehicle access available to the uphill portion of the site, this access is not considered to be a practical or reasonable alternative to provide sole vehicle access for the intended number of car parking spaces and their location. Access from Bridview Place is narrow and has limited space within its common property to reverse and manoeuvre. Unit 6 is steep, has an irregular and narrow shape, and does not have sufficient area or dimensions to provide for both a reasonably sized dwelling, internal manoeuvring space, and – as evidenced from the previously approved PLA/2021/219 which had applied for sole access from

Bridview Place – is not capable of accommodating more than two parking spaces if the sole access is Bridview Place.

Whilst sufficient enough to gain planning approval for a similar visitor accommodation concept, sole access from Bridview Place required vehicles to reverse into the common property as show below in Figure 12 and the Planning Authority imposed a condition requiring that no more than two vehicles were parked on the uphill portion of the site at any time as a result. This was not considered to be reasonable or practicable by the landowners nor the Bridview Place Body Corporate. As such, it is understood that this fresh planning application is a result of discussions within the Strata Body Corporate to provide a more practicable and reasonable alternative.

The same applies once the proposed building, or any other hypothetical building, is constructed on the site. Regardless of the eventual design, the sites limitations result in insufficient onsite manoeuvring space to provide for an appropriate number of car parking spaces (i.e. more than two), as desired by both the applicant and the Body Corporate to address concerns of visitors parking within the common property, unless access is provided via the Esplanade.

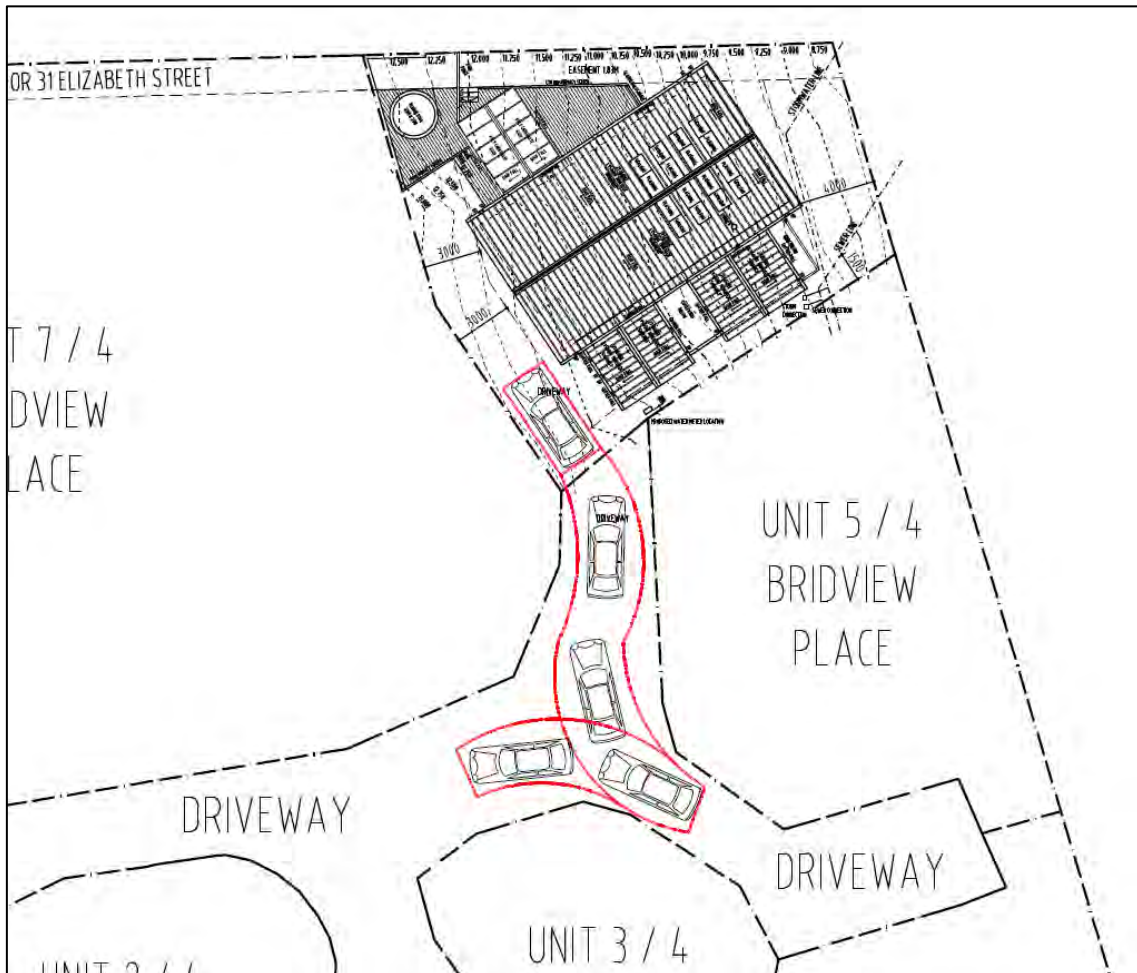


Figure 12 – Manoeuvring diagram demonstrating that vehicles parked at Unit 6 are capable of reversing and exiting the site in a forward motion (source Honed Architecture 2021)

The purpose of the Environmental Management zone is *'to provide for the protection, conservation and management of areas with significant ecological, scientific, cultural or aesthetic value, or with a significant likelihood of risk from a natural hazard'* and *'to only allow for complementary use or development where consistent with any strategies for protection and management.'* The purpose of the Open Space Zone is *'to provide land for open space purposes including for passive recreation and natural or landscape amenity'*. The proposal's reliance upon vehicle access through these zones would not be contrary to, nor diminish the ability to achieve the purposes of the zones.

The potential for land use conflict between the proposal and the existing, or possible, uses within the adjoining properties along the Esplanade is primarily limited to the shared use of the Esplanade vehicle access. Subject to conditions relating to the adequate construction of passing bays and turning areas, the potential for land use conflict would be suitably mitigated.

Thereby, when having regard to the above matters, it is considered that there is no practical and reasonable alternative for providing access to the site for the intended use and development other than by way of a dual access with one access for the upper portion and one access for the lower portion of the site.

Zone

The land pertaining to the proposed visitor accommodation unit is located within the General Residential Zone. The application is for one visitor accommodation unit which is classified as a Permitted use within Use Table 10.2 of the General Residential Use Zone.

ZONE PURPOSE and DESIRED FUTURE CHARACTER STATEMENTS

Clause 8.10 (Determining Applications) of the Planning Scheme requires that the purpose of the applicable zone and codes, and any relevant local area objective or desired future character statement for the applicable zone only be considered where i) the planning authority is determining an application for a permit for a discretionary use or ii) reliance upon performance criteria trigger consideration of Local Area Objectives or Desired Future Character Statements. As the proposal is for a Permitted use and no relevant performance criteria refer to the Purpose of the relevant Zone or Codes nor the Local Area Objectives or Desired Future Character Statements of the relevant Zone, consideration of these matters is precluded from the assessment of this planning application.

USE STANDARDS

The proposed visitor accommodation use is classified as a Permitted use. The use relies on demonstrating compliance with the applicable performance criteria within the Visitor Accommodation standard provided by Planning Directive No. 6.

Visitor Accommodation

Objective:	
That Visitor Accommodation:	
(a) is compatible with the character and use of the area; (b) does not cause an unreasonable loss of residential amenity; and (c) does not impact the safety and efficiency of local roads or rights of way.	
Acceptable Solutions	Performance Criteria
A1	P1
Visitor Accommodation must:	Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:
(a) accommodate guests in existing habitable buildings; and	(a) the privacy of adjoining properties;
(b) have a gross floor area of not more than 200m ² per lot.	(b) any likely increase in noise to adjoining properties;
	(c) the scale of the use and its compatibility with the surrounding character and uses within the area;
	(d) retaining the primary residential function of an area;
	(e) the impact on the safety and efficiency of the local road network; and
	(f) any impact on the owners and users rights of way.

Planners Response

The proposed use would not accommodate guests in an existing habitable building and must therefore rely on demonstrating compliance with the corresponding performance criteria.

The proposed unit would have a gross floor area of approximately 190 square metres. The proposed unit subsequently represents a scale broadly consistent with A1 (b) of the acceptable solution.

However, as the proposal is for a new habitable building consideration must be given to the overall scale and compatibility of the proposed use with the character and use of the surrounding area. As detailed below, the proposed visitor accommodation use would not cause an unreasonable loss of residential amenity to the adjoining properties of 1 Louisa Street, 3 Louisa Street, 5 Louisa Street, 31 Elizabeth Street, 3 Bridview Place, 5 Bridview Place, 6 Bridview Place, nor any unit within 4 Bridview Place.

The decks and windows of the upper ground floor of the visitor accommodation unit would be the most likely source of any potential privacy loss caused upon

adjoining properties. In this regard it is noted that the upper ground floor would only have two windows having facing Unit 5 Bridview (both with sills greater than 1.7 metres above the proposed finished floor level), would possess no windows facing Unit 5 Bridview, no windows within 3 metres of the shared boundary of 1 Louisa Street, and no window facing west towards Unit 7 4 Bridview. All other windows are either are skylights, or face east towards the Brid River and the Esplanade.

The deck and courtyard that face south towards Unit 5 would be screened by a solid 1.7 metre high fixed privacy screen and, subject to an appropriate condition, would be installed prior to the visitor accommodation use commencing. Whilst the northern facing deck would be within 3 metres of the northern boundary and have parts which would have a finished floor level exceeding one (1) metre above natural ground level, this is primarily a result of the natural downward slope to the east and, when considering the existing landscaping and trees present on 1 Louisa Street, the potential for direct overlooking is suitably minimised and would not be unreasonable as a result. This level of privacy is consistent with what may be reasonably expected within an urban residential context and would comply with the relevant standards for privacy were it a residential use.

The scale of the use is comparable to that of a residential 'weekender/holiday shack', particularly in respect to the potential for any increase in noise. In these circumstances, it is not unreasonable to expect both owners and renters of such buildings to use them for both relaxation and recreation in a similar manner to each other, depending on the nature of the persons themselves. Both residential and visitor accommodation uses within the context of Bridport are expected to be used in a similar nature and therefore compatible with each other. Despite this, and as an assurance, the *Environmental Management and Pollution Control Act 1994* provides for the management of noise emissions where - after having regard to factors such as volume, intensity, duration, time, place, audibility from a habitable room in residential premises, and the circumstances in which it is emitted - it is considered to be causing an environmental nuisance. As the visitor accommodation use would be subject to the same noise regulations as a residential use, any likely increase in noise would not cause an unreasonable loss of residential amenity to adjoining properties.

The immediate locality – identified as the area within or partially within 100 metres of the subject site - is characterised by a predominance of residential uses and associated development with a mode of one habitable building per lot. It is also understood that the nature of the residential uses vary and range between permanent residences, residential rentals and weekenders/holiday shacks. Figure 13 below depicts surrounding uses and a breakdown of surrounding uses.



Figure 13 – Aerial imagery showing approved and recorded land uses within the surrounding 100 metre area of the subject site (adapted from www.thelist.tas.gov.au). © State of Tasmania

Of the approximately 38 parcels identified as being fully or mostly within 100 metres of the subject site (including the subject site itself), three parcels have been approved for visitor accommodation uses. It is also possible that additional visitor accommodation uses (i.e. letting of less than four rooms or of the dwelling while the occupant is away) are being undertaken within residential dwellings. Such use is exempt in accordance with Planning Directive No. 6 and so planning approval is not required for those uses.¹ On the basis of the available records, the proposed visitor accommodation use would result in less than 11% of lots in the immediate locality being used for visitor accommodation. As a result, the primary residential function of the area would be retained.

¹ Planning Directive No. 6 – Exemptions and Standards for Visitor Accommodation in Planning Schemes provides for visitor accommodation uses to be exempt where it is within a dwelling (including an ancillary dwelling) if:

- (a) the dwelling is used by the owner or occupier as their main place of residence, and only let while the owner or occupier is on vacation or temporarily absent; or
- (b) the dwelling is used by the owner or occupier as their main place of residence, and visitors are accommodated in not more than 4 bedrooms.

Furthermore, the likely impact upon the safety and efficiency of the local public road network would be minimal. The proposed visitor accommodation use, based on figures provided by the *Guide to Traffic Generating Developments* (RTA 2002), would generate an average of approximately three trips per day on an annual basis. Bridview Place and the Esplanade, subject to conditions relating to satisfactory construction of internal vehicle aisles, would be capable of accommodating the resultant traffic movements in a safe and efficient manner.

The proposed use would not interfere with any legal right of ways.

As a result, the scale of this proposed use is considered to be compatible with the surrounding character and uses and would not cause an unreasonable loss of residential amenity to adjoining properties.

The proposed use therefore demonstrates compliance with the performance criteria provided at P1 accordingly.

Acceptable Solutions	Performance Criteria
<p>A2</p> <p>Visitor Accommodation is not for a lot, as defined in the Strata Titles Act 1998, that is part of a strata scheme where another lot within that strata scheme is used for a residential use.</p>	<p>P2</p> <p>Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other lots within the strata scheme, having regard to:</p> <ul style="list-style-type: none"> (a) the privacy of residents; (b) any likely increase in noise; (c) the residential function of the strata scheme; (d) the location and layout of the lots; (e) the extent and nature of any other non-residential uses; and (f) any impact on shared access and common property.

Planners Response

Unit 3, 4, 5, and 7 of the strata scheme within 4 Bridview Place are used for residential purposes by long term residents. The proposed use would therefore be located within a lot that is part of a strata scheme where other lots are used for residential purposes and must therefore rely on demonstrating compliance with the corresponding performance criteria.

As detailed above, the proposed use would be also located within a building that is sufficiently designed and sited to ensure that the privacy of adjoining strata lots is not unreasonably lost.

Similarly, the proposed use would also be subject to the same noise regulations as a residential use, and any likely increase in noise would not cause an unreasonable loss of residential amenity to adjoining properties.

The pertinent strata scheme contains one currently approved visitor accommodation unit at Unit 2 (currently under construction) and four existing dwellings (Unit 3, 4, 5 and 7). Unit 1 and Unit 5 are both currently vacant. As a result, the current mix of uses within the strata scheme is 57% residential (4/7), 14% visitor accommodation (1/7) and 29% vacant (2/7). If the proposed visitor accommodation unit is approved, the proportion of use within the strata scheme would shift to 57% residential, 29% visitor accommodation, and 14% vacant. It is clear that the residential primacy and function of the strata scheme would not be compromised nor would the proposal result, in an unreasonable loss of residential amenity.

The prime potential conflict point between the proposed visitor accommodation unit and other dwellings within the strata scheme is subsequently considered to be the vehicle access and the central manoeuvring space within the site.

The Roads and Traffic Authority (RTA) NSW *Guide to Traffic Generating Developments* (Version 2.2) identifies that residential dwellings result in a daily trip generation rate of 9 trips per dwelling and a weekday peak hour traffic generation of 0.85 per dwelling. This corresponds to 4.5 'entry and exit movements per day' which is the applicable measure relied upon by the Planning Scheme. This guide is recognised as the industry standard for traffic engineers in Tasmania when quantifying anticipated traffic movements attributable to particular uses and associated development. Similarly, the *Guide to Traffic Generating Developments* identifies that visitor accommodation, such as motels, result in a daily trip generation rate of 3 trips per unit, and evening peak hour vehicle trips of 0.4 per unit, on the assumption of 100% occupancy of the visitor accommodation unit. This equates to a daily average of 1.5 'annual average daily traffic' (AADT) movements (noting that one AADT movement includes both the entry and the associated exit trip). When considering the above, the existing uses are calculated to result in up to an AADT movements of 19.5. A breakdown of each unit's daily AADT movement generation rate is provided below.

UNIT NO.	CURRENT USE	AADT Movements
Unit 1	Vacant	0
Unit 2	Visitor Accommodation	1.5
Unit 3	Multiple Dwelling (1 Unit)	4.5
Unit 4	Multiple Dwelling (1 Unit)	4.5
Unit 5	Multiple Dwelling (1 Unit)	4.5
Unit 6	Vacant	0
Unit 7	Multiple Dwelling (1 Unit)	4.5
TOTAL (EXISTING)		18

The proposed visitor accommodation unit would generate an additional average of 1.5 AADT movements, assuming a 100% visitor occupancy. A lesser occupancy will result in lessened additional vehicle movements. This would be further reduced when considering that one of the parking spaces is only accessible via the Esplanade.

The existing vehicle access is – for the most part – currently sufficient for the anticipated number of vehicle entry and exit movements that would result from both the existing uses and the proposed visitor accommodation unit. The first 60 metres of the vehicle access is approximately five metres wide and sufficient for two vehicles to pass each other. The remainder of the vehicle access route is variable and reduces to approximately 3 metres for 30 metres before widening again to approximately 5 metres for a length of 20 metres. The vehicle access narrows again to approximately 4 metres where it then abutts Unit 6.

However, as all units, except for Unit 7, currently rely on reversing and manoeuvring into the common property, the manoeuvring space shared by Unit 4, Unit 5, and Unit 6 requires closer consideration. Unit 4, although relying upon the shared manoeuvring space, has sufficient area to reverse and turn without being in direct conflict with adjoining Units. The sole remaining conflict point is between that of Unit 5 and Unit 6 due to both units utilising the same area to reverse into and manoeuvre from their respective parking spaces (Figures 14-16 below).

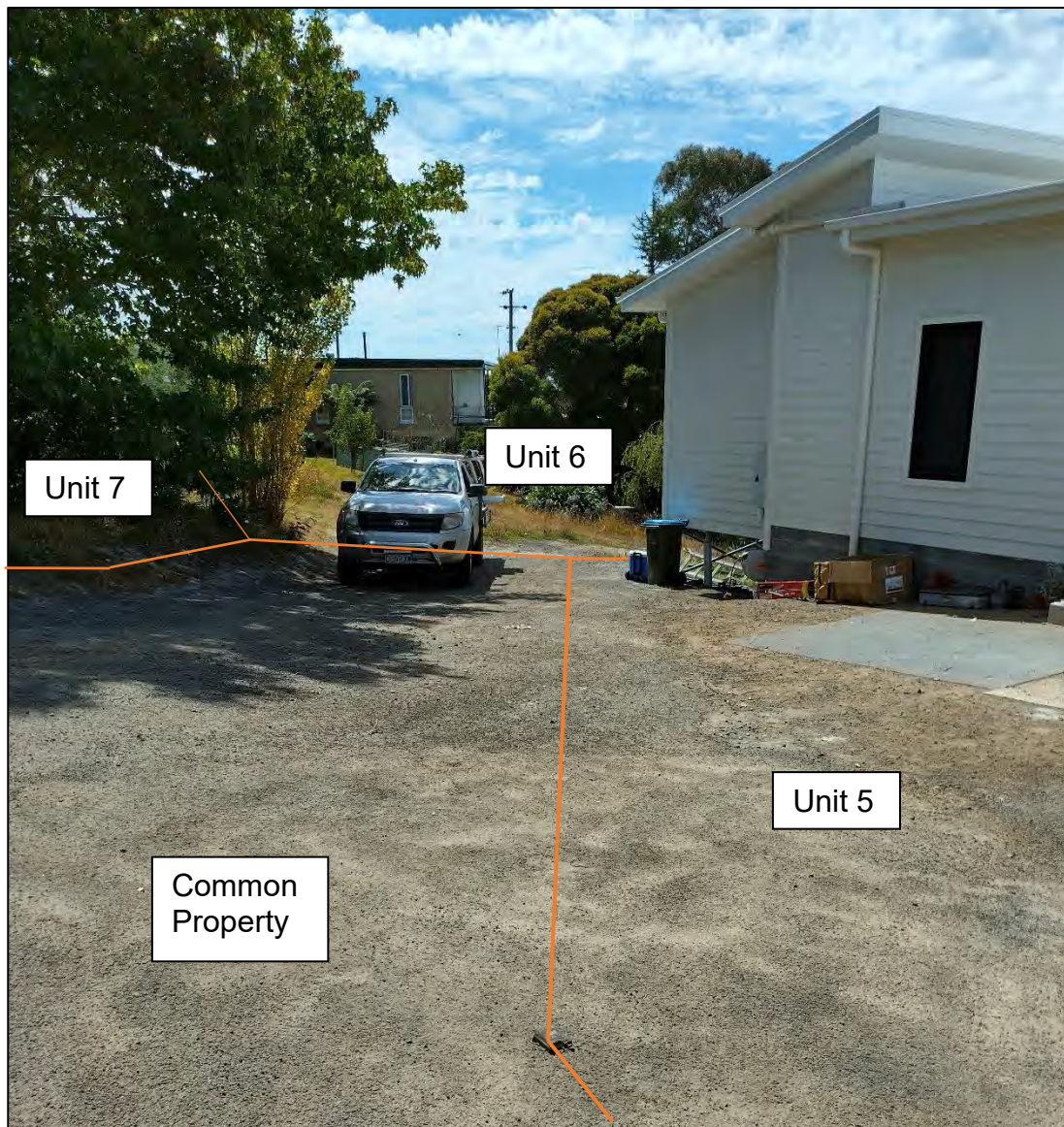


Figure 14 – Common property containing shared internal vehicle access, facing north towards Unit 6 (behind the ute) (photo taken 14 February 2022)



Figure 15 – ‘internal frontage’ of Unit 6 onto common property, facing south towards Unit 5 (left) and the common property (behind the ute) (photo taken 14 February 2022)

Figure 16 below demonstrates that there is sufficient area within the common property for vehicles parked within Unit 6 to be able to reverse into the common property and then proceed in a forward motion. There is little room for error, however, and the movement is reasonably complex for visitors unaccustomed to the layout of the site. Subsequently, it will be critical that – prior to the commencement of any use – the areas depicted by the swept paths in Figure 16

below are constructed to a suitable standard to enable vehicles to reverse and manoeuvre as indicated.

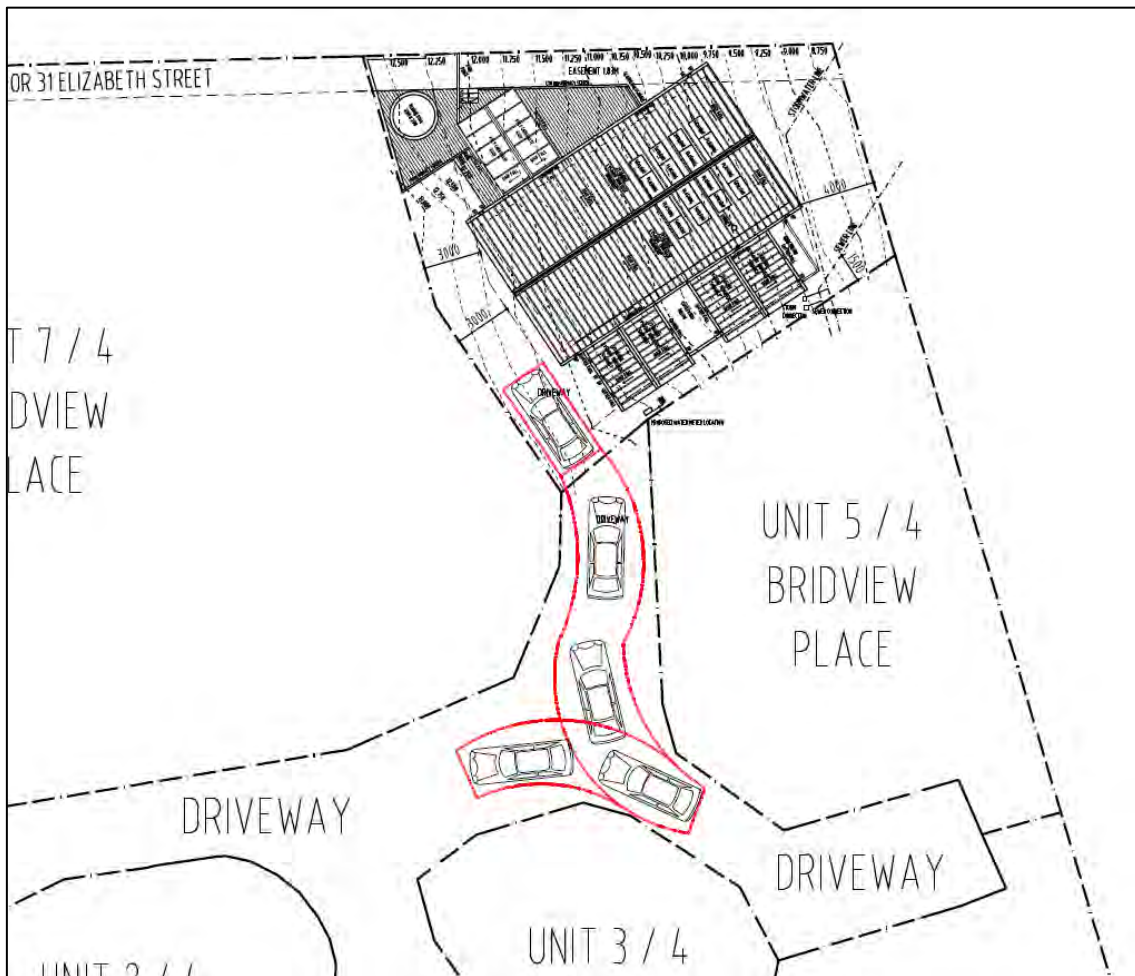


Figure 16 – Manoeuvring diagram demonstrating that vehicles parked at Unit 6 are capable of reversing and exiting the site in a forward motion (source Honed Architecture 2021)

Subject to conditions relating to the adequate formation of the parking and vehicle access prior to the commencement of the use, the proposed use would demonstrate compliance with the performance criteria provided at P2 accordingly.

The proposed use complies with the acceptable solutions of all other applicable standards within the zone.

DEVELOPMENT STANDARDS

The proposed development complies with the acceptable solutions of all applicable development standards within the zone.

The proposal therefore demonstrates compliance with the General Residential zone.

Codes

E5 – FLOOD PRONE AREAS CODE

The Flood Prone Areas Code applies to all use and development of land, even if not mapped as flood risk on the planning scheme maps, if it is potentially subject to flooding at the 1% annual exceedance probability.

The first 70 metres of the Esplanade (including the Main Street car park) beginning from Main Street is identified as being subject to inundation during 1% AEP storm events by 2050 (Medium Hazard Band) and 2100 (Low Hazard Band). As the proposal relies upon vehicle access through this section of the Esplanade, the Flood Prone Areas Code applies.

The PURPOSE of the Code is to:

- a) ensure that use or development subject to risk from flooding is appropriately located and that adequate measures are taken to protect human life and property and to prevent adverse effects on the environment; and
- b) Determine the potential impacts of flooding through the assessment of risk in accordance with the Australian Standard.

Supporting Response:

Regard must be given to the purpose of the Code when relevant to the particular discretion being exercised. Further consideration, where relevant, is provided below.

USE STANDARDS

E5.5.1 Use and flooding

Objective	
To ensure that use does not compromise risk to human life, and that property and environmental risks are responsibly managed.	
Acceptable Solution	Performance Criteria
A2 Use must not be located in an area subject to a medium or high risk in accordance with the risk assessment in E5.7.	P2 Use must demonstrate that the risk to life, property and the environment will be mitigated to a low risk level in accordance with the risk assessment in E5.7.

E5.7 Risk Assessment

Table E5.1 AS/NZS 4360:2004 Risk Consequence and Likelihood Matrix Table

Likelihood	Consequences				
	Catastrophic	Major	Moderate	Minor	Insignificant
Moderate	High	High	High	Medium	Low
Unlikely	High	Medium	Medium	Low	Low
Rare	High	Medium	Medium	Low	Low

b) Consequence Criteria

Catastrophic loss of life, loss of significant environmental values due to a pollution event where there is not likely to be recovery in the foreseeable future.

Major extensive injuries, complete structural failure of development, destruction of significant property and infrastructure, significant environmental damage requiring remediation with a long-term recovery time.

Moderate Treatment required, significant building or infrastructure damage i.e. loss of minor outbuildings such as car ports, public park shelters and the like. Replacement of significant property components such as cladding, flooring, linings, hard paved surfaces. Moderate environmental damage with a short-term natural or remedial recovery time.

Minor Medium loss – seepage, replacement of floor/window coverings, some furniture, repair of building components of outbuildings and repair and minor replacement of building components of buildings where direct access to the water is required. Minor environmental damage easily remediated.

Insignificant No injury, low loss – cleaning but no replacement of habitable building components, some repair of garden beds, gravel driveways etc. Environment can naturally withstand and recover without remediation.

Inundation of the site, but ground based access is still readily available and habitable buildings are not inundated, including incorporated garages.

c) Likelihood – Annual Exceedance Probability

1:25 (4%) Moderate

1:50 (2%) Unlikely

1:100 (1%) Rare

Town Planner's Response

As shown in Figure 17 below, the only component of the proposed use that will be subject to inundation will be the first 70 metres of the Esplanade (including the Main Street car park) beginning from Main Street is identified as being subject to inundation during 1% AEP storm events by 2050 (Medium Hazard Band) and 2100 (Low Hazard Band).

It is evident that the consequences of any flooding of that area would only result in the need for cleaning but no replacement of habitable building components and only some repair of gravel driveways, with the environmental being able to naturally withstand and recover without remediation. The proposal would therefore only be subject to an Insignificant (no injury, low loss) consequence during 1% AEP events and subsequently only be subject to a low risk in accordance with Table E5.7.

The proposal complies with the corresponding performance criteria accordingly.

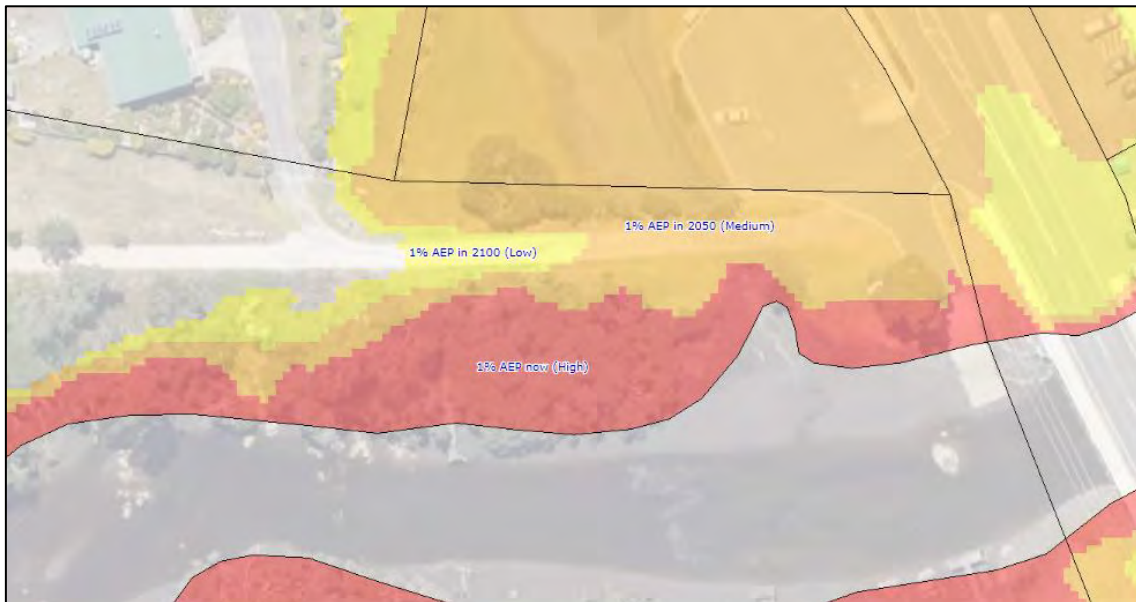


Figure 17 – Aerial Imagery depicting Coastal Inundation Hazard Bands 2016 (adapted from www.thelist.tas.gov.au). © State of Tasmania

No other use standards apply.

DEVELOPMENT STANDARDS

E5.6.1 Flooding and Coastal Inundation

Objective	
To protect human life, property and the environment by avoiding areas subject to flooding where practicable or mitigating the adverse impacts of inundation such that risk is reduced to a low level.	
Acceptable Solution	Performance Criteria

<p>A1 No acceptable solution.</p>	<p>P1.1 It must be demonstrated that development:</p> <ul style="list-style-type: none">a) Where direct access to the water is not necessary to the function of the use, is located where it is subject to a low risk, in accordance with the risk assessment in E5.7 a); orb) Where direct access to the water is necessary to the function of the use, that the risk to life, property and the environment is mitigated to a medium risk level in accordance with risk level assessment in E5.7.
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	<p>P1.2 Development subject to medium risk in accordance with the risk assessment in E5.7 must demonstrate that the risk to life, property and the environment is mitigated through structural methods or site works to a low risk level in accordance with the risk assessment in E5.7.</p>
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	<p>P1.3 Where mitigation of flood impacts is proposed or required, the application must demonstrate that:</p> <ul style="list-style-type: none">a) The works will not unduly interfere with natural coastal or water course processes through restriction or changes to flow; andb) The works will not result in an increase in the extent of flooding on other land or increase the risk to other structures;c) Inundation will not result in pollution of the watercourse or coast through appropriate location of effluent disposal or the storage of materials; andd) Where mitigation works are proposed to be carried out outside the boundaries of the site, such works are part of an approved hazard reduction plan covering the area in which the works are proposed.
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Table E5.1 AS/NZS 4360:2004 Risk Consequence and Likelihood Matrix Table

Likelihood	Consequences				
	Catastrophic	Major	Moderate	Minor	Insignificant
Moderate	High	High	High	Medium	Low
Unlikely	High	Medium	Medium	Low	Low
Rare	High	Medium	Medium	Low	Low

b) Consequence Criteria

Catastrophic loss of life, loss of significant environmental values due to a pollution event where there is not likely to be recovery in the foreseeable future.

Major extensive injuries, complete structural failure of development, destruction of significant property and infrastructure, significant environmental damage requiring remediation with a long-term recovery time.

Moderate Treatment required, significant building or infrastructure damage i.e. loss of minor outbuildings such as car ports, public park shelters and the like. Replacement of significant property components such as cladding, flooring, linings, hard paved surfaces. Moderate environmental damage with a short-term natural or remedial recovery time.

Minor Medium loss – seepage, replacement of floor/window coverings, some furniture, repair of building components of outbuildings and repair and minor replacement of building components of buildings where direct access to the water is required. Minor environmental damage easily remediated.

Insignificant No injury, low loss – cleaning but no replacement of habitable building components, some repair of garden beds, gravel driveways etc. Environment can naturally withstand and recover without remediation.

Inundation of the site, but ground based access is still readily available and habitable buildings are not inundated, including incorporated garages.

c) Likelihood – Annual Exceedance Probability

1:25 (4%) Moderate

1:50 (2%) Unlikely

1:100 (1%) Rare

Town Planner Response

As detailed above, the relevant section of the Esplanade vehicle access is identified as being subject to inundation during 1% AEP storm events by 2050 (Medium Hazard Band) and 2100 (Low Hazard Band).

It is evident that the consequences of any flooding of that area would only result in the need for cleaning but no replacement of habitable building components and only some repair of gravel driveways, with the environmental being able to

naturally withstand and recover without remediation. The proposal would therefore only be subject to an Insignificant (no injury, low loss) consequence during 1% AEP events and subsequently only be subject to a low risk in accordance with Table E5.7.

The proposal complies with the corresponding performance criteria accordingly.

No other development standards within the Flood Prone Areas Code apply.

E6 - CAR PARKING AND SUSTAINABLE TRANSPORT CODE

The Car Parking and Sustainable Transport Code applies to all use and development of land. Accordingly, the Code applies to the proposal.

The PURPOSE of the Code is to:

- a) ensure that an appropriate level of car parking facilities are provided to service new land use and development having regard to the operations on the land and the nature of the locality; and
- b) ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas; and
- c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate; and
- d) ensure that parking does not adversely impact on the amenity of a locality and achieves high standards of urban design; and
- e) ensure that the design of car and bicycle parking space and access meet appropriate design standards; and
- f) provide for the implementation of parking precinct plans.

Clause E6.6.1 requires that an appropriate level of car parking is provided to service use. Acceptable Solution A1 states that:

“The number of car parking spaces will not:

- a) be less than 90% of the requirements of Table E6.1; and*
- b) exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater; or*
- c) will be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.”*

Table E6.1 provides parking space requirements for ‘Visitor Accommodation’ and ‘Residential’ uses as follows:

<p>Visitor accommodation (bed and breakfast, camping, caravan park, unit/cabin, backpacker hostel, motel, serviced apartments)</p>	<p>1 space per unit or 1 space per 4 beds whichever is greater</p>
--	--

As the proposed visitor accommodation building only contains three beds, the amount of onsite car parking required to comply with Table E6.1 is a minimum of one and a maximum of three car parking spaces.

The proposal intends to provide three dedicated parking spaces within bounds of Unit 6, with two spaces accessed via Bridview Place and one accessed via the Esplanade. Subsequently, the proposed number of car parks complies with the acceptable solution providing within E6.6.1 (Car Parking Numbers).

E6.7.2 Design and Layout of Car Parking

<p>Objective</p> <p>To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.</p>	
<p>Acceptable Solution</p>	<p>Performance Criteria</p>
<p>A2.1 Car parking and manoeuvring space must:</p> <ul style="list-style-type: none"> a) have a gradient of 10% or less; and b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and c) have a width of vehicular access no less than prescribed in Table E6.2 and not more than 10% greater than prescribed in Table E6.2; and d) have a combined width of access and manoeuvring space adjacent to parking spaces not less than as prescribed in Table E6.3 where any of the following apply: <ul style="list-style-type: none"> (i) there are three or more car parking spaces; and (ii) where parking is more than 30m driving distance from the road; or 	<p>P2 Car parking and manoeuvring space must:</p> <ul style="list-style-type: none"> (a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and (b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.

(iii) where the sole vehicle access is a category 1, 2, 3, or 4 road; and	
A2.2 The layout of car spaces and access ways must be designed in accordance with <i>Australian Standards AS 2890.1 – 2004 Parking Facilities, Part 1: Off Road Car Parking</i> .	

Town Planner's Response

The existing vehicle access through the Esplanade, and between Main Street and Unit 6 4 Bridview Place, does not comply with the acceptable solution, as the access width would not be compliant with Table E6.2 Access Widths for Vehicles, and must therefore demonstrate compliance with the corresponding performance criteria.

For the reasons discussed earlier in this report, the vehicle access from Bridview Place is considered sufficient for the two intended parking spaces.

Whilst the Esplanade has a minimum access width of 3 metres, it does not provide any passing bays.

With an approximate access length of 170 metres, and taking into account the length of a passing bay being 5 metres, Table E6.2 prescribes five (5) passing bays.

The provision of five (5) passing bays at 30 metre increments would result in passing bays being located in similar positions as shown in Figure 18 below.



Figure 18 – Aerial Imagery depicting approximate number and location of passing bays compliant with Acceptable Solution A2.1 of E6.7.2 (adapted from www.thelist.tas.gov.au). © State of Tasmania

While this is the preferred passing bay arrangement, the steepness of the embankment on the uphill side at the main bend within the Esplanade, and on the lower side of the Esplanade at varying locations, may make the practicability of providing a passing bay precisely every 30 metres problematic. Thus while any planning permit should therefore ensure that five passing bays are installed, allowances should be made to ensure that the exact locations of these five (5) passing bays can be sited subject to consideration of any topographical constraints, albeit as close to every 30 metres as is practicable.

In addition to the need for sufficient passing bays, it is also considered that in order for the proposal to ensure that the Esplanade is convenient, safe and efficient to use whilst ensure there is adequate space to turn within the site (which includes the Esplanade) for all users, the proposal must also ensure that there is sufficient area within the Esplanade, proximate to Unit 6 4 Bridview Place Bridport as shown in Figures 19-20 below, for vehicles to make a complete U-turn.



Figure 19 – Esplanade vehicle access facing south viewed from adjacent to Unit 6 4 Bridview Place (photo taken 26 October 2022).



Figure 20 – Unit 6 4 Bridview Place and the Esplanade facing east (photo taken 26 October 2022).

The *Austroad Design Vehicles and Turning Path Templates Guide* (Austroads 2013) notes that a passenger vehicle with a length of 5.2 metres has a turning radius of 6.3 metres at a speed of 0-5km/hr and recommends a minimum offset of 0.5 metres between the vehicle path and the pavement edge. Such a vehicle is likely to be the predominant user type within the Esplanade. Based upon these dimensions it appears that, while tight and it would require some cut and fill, such a configuration would be feasible as show in Figure 21 below.



Figure 21 – Aerial imagery depicting potential 6.3 metre radius (plus 0.5 metre offset) turning area within the Esplanade and proximate to Unit 6 4 Bridview Place Bridport (adapted from www.thelist.tas.gov.au). © State of Tasmania

The turning area would also need to ensure that there is sufficient cross fall (nominally no more than 3 degrees) across a 4 metre width so as to provide firefighting vehicles with sufficient access to 1 Esplanade and 1A Esplanade (in accordance with contemporary bushfire management standards). The existing vehicle access, however, does have the requisite cross fall and so any planning permit will need to require that such a cross fall across a 4 metre width remains intact. However, as the entirety of the turning area is not intended to be relied upon by fire fighting vehicles, the extremities of the turning area will only need to ensure that grade transitions are compliant with *AS/NZS 2890.1:2004 Parking facilities Part 1: Off-street car parking* so that vehicle may manoeuvre without scraping or bottoming out. Based upon the 0.25 metre contours available on the LIST, the suggested turning area in Figure 21 above would currently decline from 8.75 metres AHD at its western (highest) point down to 6.75 metres AHD at its eastern (lowest) point, resulting in a change of 2 metres over 8.37 metres. This equates to an average and approximate slope in degrees of 7.9 (approximately 14.7%). Subject to the implementation of relatively minor cut and fill on either edge of the area – approximately 0.7 metres on either side – plus

batter, the turning area would be able to be constructed in accordance with AS/NZS 2890.1:2004.

Again, noting the topographical constraints of the Esplanade, any condition requiring such works must provide sufficient flexibility, within reason, so as to be responsive to nature of the site as a detailed design of the vehicle access upgrades are pursued.

Subject to conditions relating to the installation of (i) five passing bays approximately every 30 metres, and (ii) a turning area proximate to Unit 6 4 Bridview Place Bridport with a radius of 6.8 metres (inclusive of a 0.5 metre offset) that is compliant with *AS/NZS 2890.1:2004 Parking facilities Part 1: Off-street car parking* whilst ensuring an effective cross fall of 3% across a four (4) metre width, and (iii) ensuring that the vehicle access is constructed, drained, and maintained to an appropriate all weather standard, the proposal would thereby demonstrate compliance with the corresponding criteria.

Subject to conditions relating to appropriate construction and delineation of car parking spaces and internal vehicle aisles, the proposal is consistent with the acceptable solutions of all other applicable use and development standards of the code.

E9 – BIODIVERSITY CODE

The Biodiversity Code applies to use or development of land:

- a) within the area identified as priority habitat on the planning scheme maps; or
- b) for the removal of native vegetation.

Native vegetation is defined by the planning scheme as:

“means plants that are indigenous to Tasmania including trees, shrubs, herbs, and grasses that have not been planted for domestic or commercial purposes”

The proposed upgrades and associated conditions, as recommended earlier in this report, result in the potential need for minor shrubs and grasses directly adjacent to the existing vehicle access alignment to be removed. Accordingly, the Code applies to the proposal.

The PURPOSE of the Code is to:

- a) protect, conserve and enhance the region’s biodiversity in consideration of the extent, condition and connectivity of critical habitats and priority vegetation communities, and the number and status of vulnerable and threatened species and
- b) ensure that development is carried out in a manner that assists the protection of biodiversity by:
 - i) minimising vegetation and habitat loss or degradation; and
 - ii) appropriately locating building and works; and
 - iii) offsetting the loss of vegetation through protection of other areas where appropriate.

USE STANDARDS
Not used in this Scheme.

DEVELOPMENT STANDARDS
E8.6.1 Habitat and Vegetation Management

<p>Objective</p> <p>To ensure that:</p> <p>a) vegetation identified as having conservation value as habitat has priority for protection and is appropriately managed to protect those values; and</p> <p>b) the representation and connectivity of vegetation communities is given appropriate protection when considering the impacts of use and development.</p>	
Acceptable Solution	Performance Criteria
<p>A2 Clearance or disturbance of native vegetation is in accordance with a certified Forest Practices Plan.</p>	<p>P2 Clearance or disturbance of native vegetation must be consistent with the purpose of this Code and not unduly compromise the representation of species or vegetation communities of significance in the bioregion having regard to the:</p> <p>a) quality and extent of the vegetation or habitat affected by the proposal, including the maintenance of species diversity and its value as a wildlife corridor; and</p> <p>b) means of removal; and</p> <p>c) value of riparian vegetation in protecting habitat values; and</p> <p>d) impacts of siting of development (including effluent disposal) and vegetation clearance or excavations, , in proximity to habitat or vegetation; and</p> <p>e) need for and adequacy of proposed vegetation or habitat management; and</p> <p>f) conservation outcomes and long-term security of any offset in accordance with the General Offset Principles for the RMPS, Department of Primary Industries, Parks, Water and Environment.</p>

Town Planner's Response

The proposed and recommended works to the Esplanade vehicle access would occur adjacent to a riparian corridor and require only limited and minor vegetation removal that would primarily consist of grasses and shrubs.

Further south, and beyond any proposed works, the riparian corridor transitions from land identified as modified urban land to the threatened native vegetation community *Melaleuca ericifolia swamp forest*. No works would occur within this threatened native vegetation community.

When considering the quality and extent of the vegetation community both within the subject site and the surrounding area, the proposed removal – if appropriately limited to only that incidental to the proposed and recommend vehicle access works – would not unduly compromise the adjacent riparian corridor nor *Melaleuca ericifolia swamp forest* community nor the species potentially found within and would continue to maintain the value of the surrounding area as a wildlife corridor and retain species diversity.

Subject to conditions limiting native vegetation removal to only that directly incidental to the vehicle access works, and to not remove any plants comprising the *Melaleuca ericifolia swamp forest* without further planning approval, it is considered that the proposed development would be consistent with the purpose of the Biodiversity Code and not unduly compromise the representation of species or vegetation communities of significance within the Flinders Bioregion.

E10 – WATER QUALITY CODE

The Water Quality Code applies to use or development of land:

- a) within 50 metres of a wetland or watercourse.

The proposed use and development would be within 50 metres of the Brid River. Whilst the proposed visitor accommodation unit would be connected to reticulated sewer and stormwater, and therefore exempt from the code in accordance with E9.4, the existing vehicle access and associated minor upgrades would not be similarly exempt. The Code applies accordingly.

The PURPOSE of the Code is to:

- a) consider the impacts of development to limit adverse effects on the following:
 - i) wetland and watercourse ecosystems; and
 - ii) flow regimes, water levels, biological activity and physical characteristics; and
 - iii) the variety of flora and fauna; and
 - iv) the role of wetlands and watercourse for water supply, flood mitigation, environmental protection, water regulation and nutrient filtering, as resources for recreation activities and as attractive features in the landscape; and
- b) improve the sustainable management of surface water through development.

USE STANDARDS

Not used in this Scheme.

DEVELOPMENT STANDARDS

E9.6.1 Development and Construction Practices and Riparian Vegetation

Objective	
To protect the hydrological and biological roles of wetlands and watercourses from the effects of development	
Acceptable Solution	Performance Criteria
A1 Native vegetation is retained within: a) 40m of a wetland, watercourse or mean high water mark	P1 Native vegetation removal must submit a soil and water management plan to demonstrate: a) revegetation and weed control of areas of bare soil; and b) the management of runoff so that impacts from storm events up to at least the 1 in 5 year storm are not increased; and c) that disturbance to vegetation and the ecological values of riparian vegetation will not detrimentally affect hydrological features and functions.

Town Planner's Response

Whilst the proposed visitor accommodation unit would be connected to reticulated sewer and stormwater, and therefore exempt from the code in accordance with E9.4, the existing vehicle access and associated minor upgrades would not be similarly exempt.

Subject to conditions requiring the preparation, endorsed, and compliance with a soil and water management plan that demonstrates (i) how revegetation and weed control of areas of bare soil would be managed during the construction process, (ii) that any runoff would be managed so as to not increase the impacts of 1 in 5 year storm events, and (iii) that the proposal would not result in disturbance to vegetation and the ecological values of riparian vegetation in a manner that would detrimentally affect hydrological features and functions, the proposed would comply with the performance criteria accordingly.

E9.6.2 Water Quality Management

Objective

To maintain water quality at a level which will not affect aquatic habitats, recreational assets, or sources of supply for domestic, industrial and agricultural uses.

Acceptable Solution	Performance Criteria
<p>A1 All stormwater must be:</p> <ul style="list-style-type: none"> a) connected to a reticulated stormwater system; or b) where ground surface runoff is collected, diverted through a sediment and grease trap or artificial wetlands prior to being discharged into a natural wetland or watercourse; or c) diverted to an on-site system that contains stormwater within the site. 	<p>P1 Stormwater discharges to watercourses and wetlands must minimise loss of hydrological and biological values, having regard to:</p> <ul style="list-style-type: none"> (i) natural flow regimes, water quality and biological diversity of any waterway or wetland; (ii) design and operation of any buildings, works or structures, on or near the wetland or waterway; (iii) sources and types of potential contamination of the wetland or waterway; (iv) devices or works to intercept and treat waterborne contaminants; (v) opportunities to establish or retain native riparian vegetation or continuity of aquatic habitat.

Town Planner's Response

Whilst the proposed visitor accommodation unit would be connected to reticulated sewer and stormwater, and therefore exempt from the code in accordance with E9.4, the existing vehicle access and associated minor upgrades would not be similarly exempt.

Stormwater generated from the existing vehicle access, and associated upgrades, along the Esplanade would be discharged from the impervious surface via dispersion rather than new point source discharges. Subject to conditions requiring that all stormwater be discharged in a manner that will minimise the potential for causing flooding, erosion and environmental nuisance, the proposal would comply with the corresponding performance criteria.

E9.6.3 Construction of Roads

Objective

To ensure that roads, private roads or private tracks do not result in erosion, siltation or affect water quality.

Acceptable Solution	Performance Criteria
A1 A road or track does not cross, enter or drain to a watercourse or wetland.	P1 Road and private tracks constructed within 50m of a wetland or watercourse must comply with the requirements of the Wetlands and Waterways Works Manual, particularly the guidelines for siting and designing stream crossings.

Town Planner's Response

The existing vehicle access track has the potential to drain, via indirect dispersal, to the Brid River.

Subject to conditions requiring all works the vehicle access, where within 50 metres of the Brid River, to be complaint with Wetlands and Waterways Works Manual, the proposal would comply with the corresponding performance criteria.

OTHER CODES

No other Codes apply.

Recommendation

It is recommended that the proposal for the use and development of Visitor Accommodation (1 Unit) at the subject land, be approved subject to the following conditions:

1. Basis of Approval

The use and development is approved and must be undertaken in accordance with the Endorsed Documents, except where specified otherwise in this permit and documents lodged with this application (PLA/2022/135). Any substantial variation from this application will require the further planning consent of the Council.

2. TasWater

The development must be in accordance with the conditions provided within the Submission to Planning Authority Notice issued by TasWater dated 2 November 2022 (Reference No. TWDA 2022/01635-DC, copy attached to this permit).

3. Amended Plans – Esplanade Vehicle Access

Prior to the commencement of works, and to the satisfaction of Council's Town Planner, the responsible person must submit amended plans, which show the vehicle access between Unit 6 4 Bridview Place and F/R 165691/1 Main Street, through the Esplanade, complete with:

- (a) a minimum aisle width of three (3) metres;
- (b) five (5) passing bays (2 meters wide by 5 metres long plus entry and exit tapers) placed approximately every 30 metres, except where topographical constraints require the passing bay to be situated in an alternate location; and

- (c) a turning area within the bounds of the Esplanade, and proximate to Unit 6 4 Bridview Place, Bridport, suitable for the intended purpose with:
 - (i) a minimum radius of 6.8 metres (inclusive of 0.5 metre offset);
 - (ii) grade changes in accordance with AS/NZS 2890.1:2004; and
 - (iii) an average cross fall of not more than 3 degrees for a width of four (4) metres.

When approved by the Council's Town Planner, the amended plans will be endorsed and will then form part of this permit.

4. Soil and Water Management Plan – Brid River

- (a) Prior to the commencement of works within 40 metres of the Brid River, and to the satisfaction of Council's Town Planner, the responsible person must submit a soil and water management plan, prepared by a suitably qualified person, which demonstrates:
 - (i) revegetation and weed control of areas of bare soil;
 - (ii) the management of runoff so that impacts from storm events up to at least the 1 in 5 year storm are not increased; and
 - (iii) that disturbance to vegetation and the ecological values of riparian vegetation will not detrimentally affect hydrological features and functions.

When approved by the Council's Town Planner, the soil and water management plan will be endorsed and will then form part of this permit.

- (b) All works within 40 metres of the Brid River must comply with the requirements of the soil and water management plan detailed in (a) above.

5. Stormwater Management

- (a) Prior to the commencement of the approved use, stormwater discharged from the impervious areas (including vehicle areas, paving and building roofed areas) of the development must be drained and directed to Council's stormwater network, or otherwise dispersed in a manner that would not cause an environmental nuisance or new point source discharge to a watercourse, to the satisfaction of the Council's Town Planner.
- (b) Where stormwater is unable to be directed to Council's reticulated stormwater network, it must be discharged from the impervious areas (including vehicle areas, paving and building roofed areas) of the development so as to ensure that:
 - (i) flooding, erosion and environmental nuisance is minimised to the satisfaction of the Council's Town Planner; and
 - (ii) points of discharge do not give rise to pollution as defined under the *Environmental Management and Pollution Control Act 1994*.

6. Construction of Vehicle Parking and Internal Access

- (a) Prior to the commencement of the approved use, and to the satisfaction of Council's Town Planner, areas set aside for the parking of vehicles, together with the aisles and access lanes, must be designed and constructed to be:
- (i) formed to an adequate level as necessary to prevent the formation of potholes and depressions according to the nature of the subgrade and vehicles which will use the areas;
 - (ii) treated so as to prevent any loss of amenity by the emission of dust or the discharge of uncontrolled drainage;
 - (iii) marked or provided with clear physical means to delineate vehicle parking spaces; and
 - (iv) completed in accordance with the amended plans required by Condition 2.
- (b) All works associated with the construction of the vehicle access required in (a) above, must comply with the requirements of the *Wetlands and Waterways Works Manual* (copy attached to this permit), where within 50 metres of a watercourse.
- (c) Areas set aside for the parking of vehicles, together with the aisles and access lanes, must be maintained in a continuously useable condition as outlined in (a) above.

7. Privacy Management

Prior to the commencement of the approved use, fixed privacy screens, with a uniform transparency of no more than 25%, must be erected along the edge of all decks facing south with a finished floor level greater than one (1) metre above natural ground level, as depicted within the endorsed plans.

8. Use Limitation – Vehicle Parking and Access

Unless otherwise approved in writing by the Town Planner:

- (a) all vehicles incidental to the approved use must be parked entirely within the bounds of F/R 161796/6 (Unit 6 4 Bridview Place, Bridport); and
- (b) the vehicle accesses relied upon by the approved use must be clear at all times.

9. Native Vegetation Removal

The removal of native vegetation must be limited to occur only where it is directly incidental to the development approved in this permit.

No *Melaleuca erificolia* swamp forest threatened vegetation community, or any other native vegetation, is to be felled, lopped, topped, ring-barked, uprooted, or otherwise willfully destroyed or removed, without the further written consent of the Council's Town Planner.

NOTE: For the purpose of this permit “**the person responsible**”, depending on the context, means:

- a) The person who has and takes the benefit of this permit for the undertaking of the use or development authorised pursuant to it;
 - b) The person or persons who undertake development or use pursuant to this permit;
- and

c) Servants, agents and contractors, in each case of such persons.

ADVISORY NOTES

(i) Permission in Writing

Any reference to the need for Council approval of a matter or thing prescribed under the conditions pertinent to this permit requires such approval to be given in writing.

(ii) Objections to Proposal

This permit has no effect until the expiry of the period for the lodgement of an appeal against the granting of the permit or, if an appeal is lodged, until ten days after the appeal has been determined by the Resource Management and Planning Appeal Tribunal.

(iii) Appeal Provisions

Attention is directed to sections 61 and 62 of the *Land Use Planning and Approvals Act 1993* (as amended) which relate to appeals. These provisions should be consulted directly, but the following provides a guide as to their content:

A planning appeal may be instituted by lodging a notice of appeal with the Clerk of the Resource Management and Planning Appeal Tribunal.

A planning appeal may be instituted within 14 days of the date the planning authority serves notice of the decision on the applicant.

(iv) Permit Commencement

This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined. If an applicant is the only person with a right of appeal pursuant to section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing.

(v) Period of Approval

Pursuant to Section 53(5) the *Land Use Planning and Approvals Act 1993*, this approval will lapse after a period of two (2) years from:

- (a) the date on which the permit is granted; or
- (b) if an appeal has been instituted against the planning authority's decision to grant the permit, the date of the determination or abandonment of the appeal,

if the use or development is not substantially commenced within that period.

(vi) TasNetworks Advice

TasNetworks advised on 5 October 2022 that:

'Based on the information provided, the development is not likely to adversely affect TasNetworks' operations.

It is recommended that the customer or their electrician contact TasNetworks on 1300 137008 if they have any questions regarding any upgrades they may require to their electricity supply due to this development.'

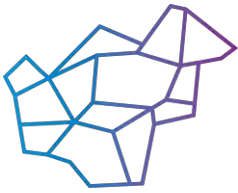
(vii) Esplanade Access Design

It is anticipated that the area within the Esplanade proximate to Unit 6 4 Bridview Place Bridport will be designed to simultaneously function as both a passing bay required by 3(b) and the turning area required by 3(c). Such an approach would meet the intent of Condition 3.

(viii) Other Approvals

This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:

- (a) Building approval
- (b) Plumbing approval
- (c) TasWater Works Approval
- (d) Crown Lands Works and Development Approval



Planning Permit Application

Please print all applicable details clearly

THE PROPOSAL

Describe in full the way it is proposed to use and/or develop the land: Building Work <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	⇒ Provide a full description of the proposed use or development, including: <ul style="list-style-type: none"> • Building work • Change of use • Subdivision • Forestry • Demolition • Staging (if development is proposed to be carried out in stages, indicate this on the plans and describe in written material) • Signage • Other
--	--

THE LAND

Address 6/4 Bridview Place Bridport Tas 7262	Certificate of Title (include all applicable title references) Volume: _____ Folio: _____
Land Area (m ² or hectares): 413m ²	
Present use of land: Vacant Land <hr/> <hr/>	⇒ Provide a description of the existing use of the land, for example vacant, residential, agriculture, industrial, commercial
Present use of existing building(s): - <hr/> <hr/>	⇒ Provide a description of the use of the existing buildings on the land, for example dwelling, workshop, farm building, office, shop

THE APPLICANT (Note: the person to be nominated as the Applicant is the one whose name will appear for public notification purposes and permit issue)

Applicant's Name: Lydia Wager	
Address: <hr/> <hr/> <hr/>	Phone:
	Fax:
	Mobile:
Email:	

THE OWNER

Owner's Name(s): Lydia Wager	
Address: _____ _____ _____	Phone:
	Fax:
	Mobile:
Email:	

CROWN AND/OR COUNCIL CONSENT [to be completed where land in respect of the Application is (i) Crown land (within the meaning of the *Crown Lands Act 1976*) or (ii) owned or administered by the Crown or a Council]

Owner / Administrator's Name(s): Dorset Council	
Person signing the Application: John Marik	⇒ <i>to be completed by a person conferred the authority to ensure compliance with Section 52(1B)(a) of the Land Use Planning and Approvals Act 1993.</i>
Signature: _____	
Date: 04/10/2022	

DETAILS OF BUILDING WORK (to be completed if Application requires building work)

Value of building work: \$ 442,000	⇒ Please tick applicable box: <input checked="" type="checkbox"/> Estimate <input type="checkbox"/> Contract Price
Type of work: New Building	⇒ <i>For example, new building, alteration, addition, removal, repairs, demolition, re-erection, change of use</i>
Proposed use of building: Visitor Accommodation	⇒ <i>Describe the main use of the proposed building, for example, dwelling, workshop, farm building, office, shop</i>
Existing floor area: - _____ m ²	New / additional floor area: 196.5 _____ m ²
Proposed maximum building height above natural ground level: 7.9 _____ m	
Materials: structural floor: Timber external walls: Fc Sheeting colour: White roof cladding: Colorbond colour: White structural frame: Timber	

DETAILS OF OTHER WORKS

Vehicle Access:

Is a new vehicle access or crossover required? (if so, ensure this is indicated on the plans) Y

What would be the surfacing of the vehicle access? Gravel

Car Parking:

How many car parking spaces are currently provided? -

How many additional car parking spaces would be provided? 3

What would be the surfacing of the car parking spaces? Gravel

Is provision made for loading and unloading of vehicles? (to be completed for retail, commercial, industrial, service industry or storage uses)

Describe any proposed earthworks, vegetation removal or other works required as part of the use and/or development:

Earthwork

DETAILS OF OTHER MATTERS

Proposed hours of operation:

Monday to Friday: _____ am to _____ pm

Saturday: _____ am to _____ pm

Sunday: _____ am to _____ pm

Provide details of any goods that would be stored outside:

Privacy Statement

The Dorset Council is committed to upholding the right to privacy of all individuals who have dealings with the Council. Unless required by law or by a Court or tribunal, the Council will take the necessary steps to ensure that the personal information that members of the public share with the Council remains confidential. How we use this information is explained in our Personal Information Protection Policy which is available at www.dorset.tas.gov.au or at the Council office.

Appointment Details

To ensure Council's officers are available to assist you with the submission of your Application, it is advisable to make an appointment by contacting Regulatory Services on 6352 6500.

Date: _____ Time: _____ Council Officer: _____

Copyright Authority

I authorise the Council and the Crown in right of the state of Tasmania to provide to any person, for the purposes of assessment or public consultation, a partial or complete copy of documents relating to this application.

I understand that the information and materials provided with this Application may be made available to the public in electronic form on the Council's website. I understand that the Council may make such copies of the information and materials as, in its opinion, are necessary to facilitate a thorough consideration of the Application.

I declare that the information given is a true and accurate representation of the proposed use and/or development, and I am liable for the payment of Council application processing fees even in the event of the use and/or development proposed by this Application not proceeding.

I confirm I am the copyright owner or have the authority to sign on behalf of any other person with copyright for documents relating to this Application.

I indemnify the Dorset Council for any claim or action taken against it in respect of breach of copyright in respect of any of the information or material provided.

Note: This authority is intended to cover copies made by the Crown or Council under Sections 40, 43, 49 or 183 of the *Copyright Act 1968*.

Where the applicant is NOT the owner, I hereby declare that the owner of the land to which this application relates has been notified of this application being made and the information and details supplied by me in this application are a true and accurate description of the proposal.

Applicant's Signature: L Wager

Date: 11/07/2022



dorset
COUNCIL

Our Ref: 2022/135 76570 9383552
4 October 2022

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Mr Thomas Wagenknecht
Town Planner - Dorset Council
PO Box 21
SCOTTSDALE TAS 7260

Dear Thomas

Council Landowner Consent

Visitor Accommodation (1 Unit)

**At: 6/4 Bridview Place Bridport and reliance upon vehicle access through
(i) Strata Corporation Number 161796 4 Bridview Place Bridport and F/R
10517/3 Bridview Place Bridport and (ii) Crown Land Esplanade Bridport
and F/R 165691/1 Main Street Bridport**

I refer to the application being made by Mrs L A Wager to gain planning approval for Visitor Accommodation (1 Unit) on land addressed as 6/4 Bridview Place Bridport and reliance upon vehicle access through (i) Strata Corporation Number 161796 4 Bridview Place Bridport and F/R 10517/3 Bridview Place Bridport and (ii) Crown Land Esplanade Bridport and F/R 165691/1 Main Street Bridport.

This development encompasses land which is owned by the Council. I therefore advise that consent to lodge this application is granted.

Yours faithfully

JOHN MARIK

Acting General Manager



Planning Permit Application

Please print all applicable details clearly

THE PROPOSAL

Describe in full the way it is proposed to use and/or develop the land: Building Work <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	⇨ Provide a full description of the proposed use or development, including: <ul style="list-style-type: none"> • Building work • Change of use • Subdivision • Forestry • Demolition • Staging (if development is proposed to be carried out in stages, indicate this on the plans and describe in written material) • Signage • Other
--	--

THE LAND

Address 6/4 Bridview Place Bridport Tas 7262	Certificate of Title (include all applicable title references) Volume: _____ Folio: _____
Land Area (m ² or hectares): 413m ²	
Present use of land: Vacant Land <hr/> <hr/>	⇨ Provide a description of the existing use of the land, for example vacant, residential, agriculture, industrial, commercial
Present use of existing building(s): - <hr/> <hr/>	⇨ Provide a description of the use of the existing buildings on the land, for example dwelling, workshop, farm building, office, shop

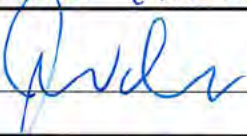
THE APPLICANT (Note: the person to be nominated as the Applicant is the one whose name will appear for public notification purposes and permit issue)

Applicant's Name: Lydia Wager	
Address: <div style="background-color: black; width: 250px; height: 40px; margin-top: 5px;"></div>	Phone:
	Fax:
	Mobile: <div style="background-color: black; width: 150px; height: 20px; margin-top: 5px;"></div>
Email: <div style="background-color: black; width: 300px; height: 20px; display: inline-block;"></div>	

THE OWNER

Owner's Name(s): Lydia Wager	
Address: _____ _____ _____	Phone:
	Fax:
	Mobile: _____
Email: _____	

CROWN AND/OR COUNCIL CONSENT [to be completed where land in respect of the Application is (i) Crown land (within the meaning of the *Crown Lands Act 1976*) or (ii) owned or administered by the Crown or a Council]

Owner / Administrator's Name(s): The Crown	
Person signing the Application: Jesse Walker Team Leader (Assessments)	⇒ to be completed by a person conferred the authority to ensure compliance with Section 52(1B)(a) of the Land Use Planning and Approvals Act 1993.
Signature: 	

DETAILS OF BUILDING WORK (to be completed if Application requires building work)

Value of building work: \$ 442,000		⇒ Please tick applicable box: <input checked="" type="checkbox"/> Estimate <input type="checkbox"/> Contract Price
Type of work: New Building		⇒ For example, new building, alteration, addition, removal, repairs, demolition, re-erection, change of use
Proposed use of building: Visitor Accommodation		⇒ Describe the main use of the proposed building, for example, dwelling, workshop, farm building, office, shop
Existing floor area: - _____ m ²	New / additional floor area: 196.5 _____ m ²	Proposed maximum building height above natural ground level: 7.9 _____ m
Materials: structural floor: Timber external walls: Fc Sheeting colour: White roof cladding: Colorbond colour: White structural frame: Timber		

DETAILS OF OTHER WORKS

Vehicle Access: Is a new vehicle access or crossover required? (if so, ensure this is indicated on the plans) <u>Y</u> What would be the surfacing of the vehicle access? <u>Gravel</u>
Car Parking: How many car parking spaces are currently provided? <u>-</u> How many additional car parking spaces would be provided? <u>3</u> What would be the surfacing of the car parking spaces? <u>Gravel</u> Is provision made for loading and unloading of vehicles? (to be completed for retail, commercial, industrial, service industry or storage uses) <u></u>
Describe any proposed earthworks, vegetation removal or other works required as part of the use and/or development: Earthwork <u></u> <u></u> <u></u> <u></u>

DETAILS OF OTHER MATTERS

Proposed hours of operation: Monday to Friday: _____ am to _____ pm Saturday: _____ am to _____ pm Sunday: _____ am to _____ pm
Provide details of any goods that would be stored outside: <u></u>

Privacy Statement

The Dorset Council is committed to upholding the right to privacy of all individuals who have dealings with the Council. Unless required by law or by a Court or tribunal, the Council will take the necessary steps to ensure that the personal information that members of the public share with the Council remains confidential. How we use this information is explained in our Personal Information Protection Policy which is available at www.dorset.tas.gov.au or at the Council office.

Appointment Details

To ensure Council's officers are available to assist you with the submission of your Application, it is advisable to make an appointment by contacting Regulatory Services on 6352 6500.

Date: _____ Time: _____ Council Officer: _____

Copyright Authority

I authorise the Council and the Crown in right of the state of Tasmania to provide to any person, for the purposes of assessment or public consultation, a partial or complete copy of documents relating to this application.

I understand that the information and materials provided with this Application may be made available to the public in electronic form on the Council's website. I understand that the Council may make such copies of the information and materials as, in its opinion, are necessary to facilitate a thorough consideration of the Application.

I declare that the information given is a true and accurate representation of the proposed use and/or development, and I am liable for the payment of Council application processing fees even in the event of the use and/or development proposed by this Application not proceeding.

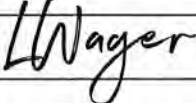
I confirm I am the copyright owner or have the authority to sign on behalf of any other person with copyright for documents relating to this Application.

I indemnify the Dorset Council for any claim or action taken against it in respect of breach of copyright in respect of any of the information or material provided.

Note: This authority is intended to cover copies made by the Crown or Council under Sections 40, 43, 49 or 183 of the *Copyright Act 1968*.

Where the applicant is NOT the owner, I hereby declare that the owner of the land to which this application relates has been notified of this application being made and the information and details supplied by me in this application are a true and accurate description of the proposal.

Applicant's Signature:



Date:

11/07/2022

Notice of Termination of Authority and Instrument of Delegation

DELEGATION OF THE DIRECTOR-GENERAL OF LANDS' FUNCTIONS UNDER THE LAND USE PLANNING AND APPROVALS ACT 1993

I, TIMOTHY WILLIAM BAKER, being and as the Director-General of Lands appointed under section 7 of the *Crown Lands Act 1976* ("the Act"), acting pursuant to section 23AA(5A) of the *Acts Interpretation Act*, hereby give notice that the authority of the holders of the offices of Deputy Secretary (Parks & Wildlife Service) (position number 700451), Manager - Crown Land Services (position number 707556), Team Leader - Crown Land Services (Unit Manager, Leases & Licences) (position number 340697) and Team Leader - Crown Land Services (Unit Manager, Policy & Projects) (position number 334958) to perform the functions conferred on the Director-General of Lands, as delegated on 20 December 2020 by Deidre Wilson, then Acting Director-General of Lands, is terminated with immediate effect.

Further, acting pursuant to section 52(1E) of the *Land Use Planning and Approvals Act 1993* ("the Act"), I hereby delegate the functions described (by reference to the relevant provision of the Act and generally) in Schedule 1, to the persons respectively holding the offices of Deputy Secretary (Parks & Wildlife Service) (position number 700451), General Manager (Park Operations and Business Services) (position number 708581), Director (Operations) (position number 708050), Manager (Property Services) (position number 707556), Unit Manager (Operations) (position number 702124), and Team Leader (Assessments) (position number 334958) in accordance with the functions delegated to me by the Minister for Parks, being and as the Minister administering the *Crown Lands Act 1976*, by instrument dated 30 November 2021.

SCHEDULE 1

Provision	Description of Functions
Section 52(1B)	Signing, and providing written permission for, applications for permits in relation to Crown land.

Dated at HOBART this 7th day of December 2021



Tim Baker
DIRECTOR-GENERAL OF LANDS



Department of Natural Resources,
and Environment Tasmania

GPO Box 44, Hobart, TAS 7001 Australia
Ph 1300 TAS PARKS / 1300 827 727 Fax 03) 6223 8308
www.parks.tas.gov.au



Enquiries: Rhys Johnson

Phone: [REDACTED]

Email: [REDACTED]

Our ref: 22/7281

20 September 2022

Ms Lydia Ann Wager
[REDACTED]
[REDACTED]

Dear Ms Wager,

**LODGEMENT OF PLANNING APPLICATION
LYDIA WAGER
BUILDING WORK
6/4 BRIDVIEW PLACE BRIDPORT TAS 7262**

This letter, issued pursuant to section 52(1B) of the *Land Use Planning and Approvals Act 1993* (LUPAA), is to confirm that the Crown consents to the making of the enclosed Planning Permit Application, insofar as the proposed development relates to Crown land managed by the Department of Natural Resources and Environment Tasmania.

Crown consent is only given to the lodgement of this application. Any variation will require further consent from the Crown.

Please note, it is Parks & Wildlife Service's (PWS) practice that it will not approve any permanent private drainage infrastructure (stormwater or treated effluent) on Crown land unless connected to publically maintained infrastructure.

This letter does not constitute, nor imply, any approval to undertake works, or that any other approvals required under the *Crown Lands Act 1976* have been granted. If planning approval is given for the proposed development, the applicant will be required to obtain separate and distinct consent from the Crown before commencing any works on Crown land.

If you need more information regarding the above, please contact the officer nominated at the head of this correspondence.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jesse Walker".

Jesse Walker
Team Leader (Assessments)

SEARCH OF TORRENS TITLE

VOLUME 161796	FOLIO 6
EDITION 3	DATE OF ISSUE 09-Jul-2021

SEARCH DATE : 05-Oct-2022

SEARCH TIME : 04.54 PM

DESCRIPTION OF LAND

Town of BRIDPORT

Lot 6 on Strata Plan 161796 and a general unit entitlement operating for all purposes of the Strata Scheme being a 1 undivided 1/7 interest

Derived from Strata Plan 161796

Derivation : Part of Lot 3 Section K. Gtd. to E.B. Adams

SCHEDULE 1

M848677 TRANSFER to SHANE ANTHONY WAGER and LYDIA ANN WAGER
Registered 04-Nov-2020 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
BENEFITING EASEMENT: A Right of Carriageway over the Right of
Way shown on Sealed Plan No. 10517

SP 91713 EASEMENTS in Schedule of Easements

D6079 AGREEMENT pursuant to Section 71 of the Land Use
Planning and Approvals Act 1993 Registered
02-May-2011 at noon

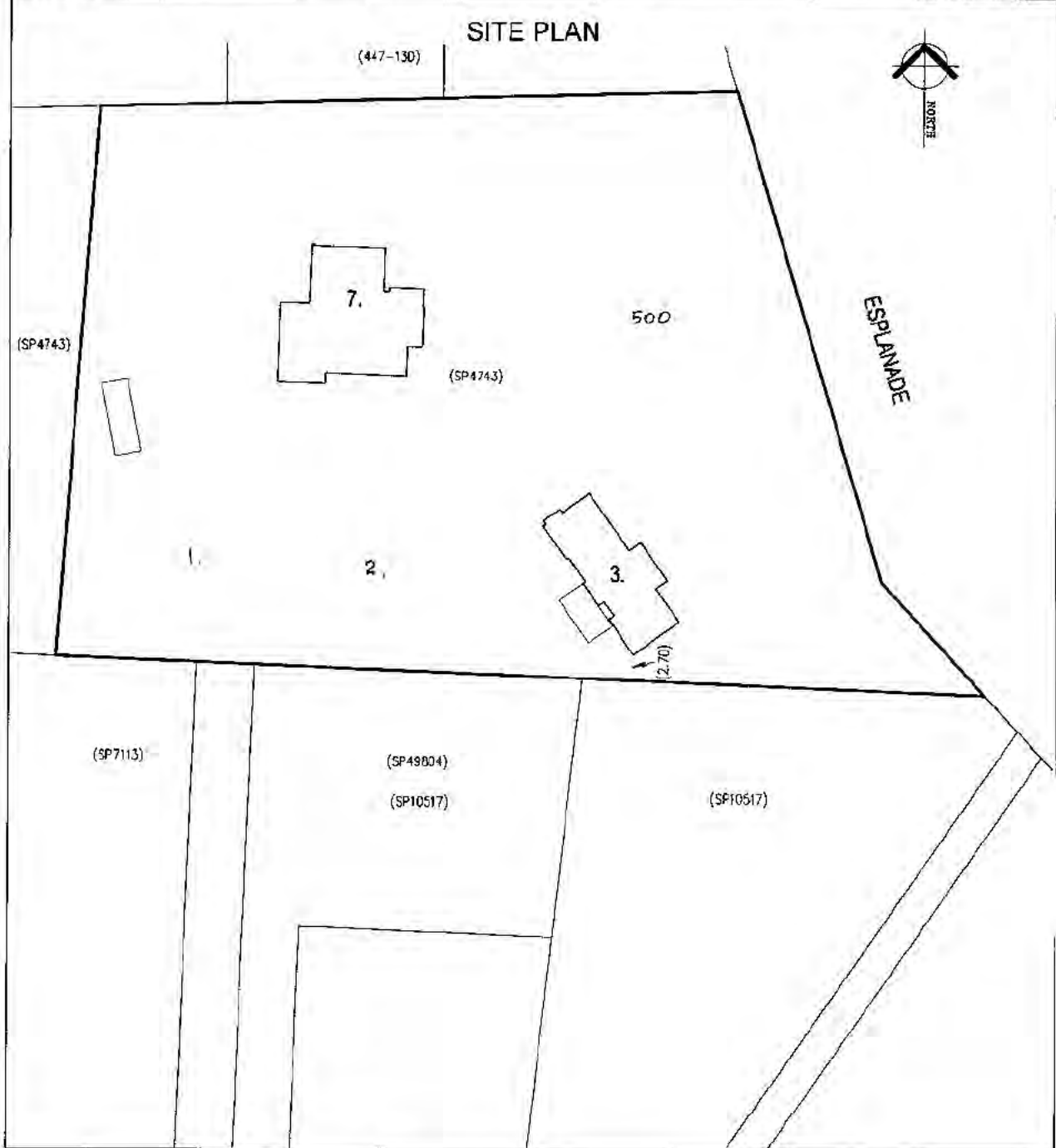
E261256 MORTGAGE to National Australia Bank Limited
Registered 09-Jul-2021 at 12.01 PM

D6078 APPLICATION for registration of a staged development
scheme Registered 02-May-2011 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

TOWN OF BRIDPORT SUBURB/LOCALITY		STRATA PLAN SHEET 1 OF 5 SHEETS		REGISTERED NUMBER 161796
FOLIO REFERENCE C.T.91713-2 SITE COMPRISES THE WHOLE OF LOT 2 ON PLAN No S.P.4743				NAME OF STRATA SCHEME 4 BRIDVIEW PLACE, BRIDPORT
MAPSHEET MUNICIPAL CODE No 109	LAST UPI No F1H47	SCALE 1:400	LENGTHS IN METRES <i>Alice Kawa</i> Recorder of Titles	



NOTES: (i) ALL BUILDINGS ON THE SITE TO BE SHOWN ON SHEET 1 (ii) BUILDING TO SITE BOUNDARY OFFSETS OF LESS THAN 2.00 METRES TO BE SHOWN ON SHEET 1	<i>[Signature]</i> Council Delegate	20-4-11 Date	<i>[Signature]</i> Registered Land Surveyor	7/3/2011 Date
	STAGED/COMMUNITY DEVELOPMENT SCHEME No (IF APPLICABLE) (D8078) LODGED BY WILL EDWARDS LAWYERS			

SEARCH OF TORRENS TITLE

VOLUME 161796	FOLIO 0
EDITION 1	DATE OF ISSUE 02-May-2011

SEARCH DATE : 05-Oct-2022

SEARCH TIME : 04.56 PM

DESCRIPTION OF LAND

Town of BRIDPORT

The Common Property for Strata Scheme 161796

Derivation : Part of Lot 3 Section K. Gtd. to E.B. Adams

Prior CT 91713/2

SCHEDULE 1

STRATA CORPORATION NUMBER 161796, 4 BRIDVIEW PLACE, BRIDPORT

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

BENEFITING EASEMENT: A Right of Carriageway over the Right of
Way shown on Sealed Plan No. 10517

SP 91713 EASEMENTS in Schedule of Easements

D6079 AGREEMENT pursuant to Section 71 of the Land Use
Planning and Approvals Act 1993 Registered
02-May-2011 at noon

E188652 APPLICATION for registration of variation to a staged
development scheme Registered 27-Nov-2019 at noon

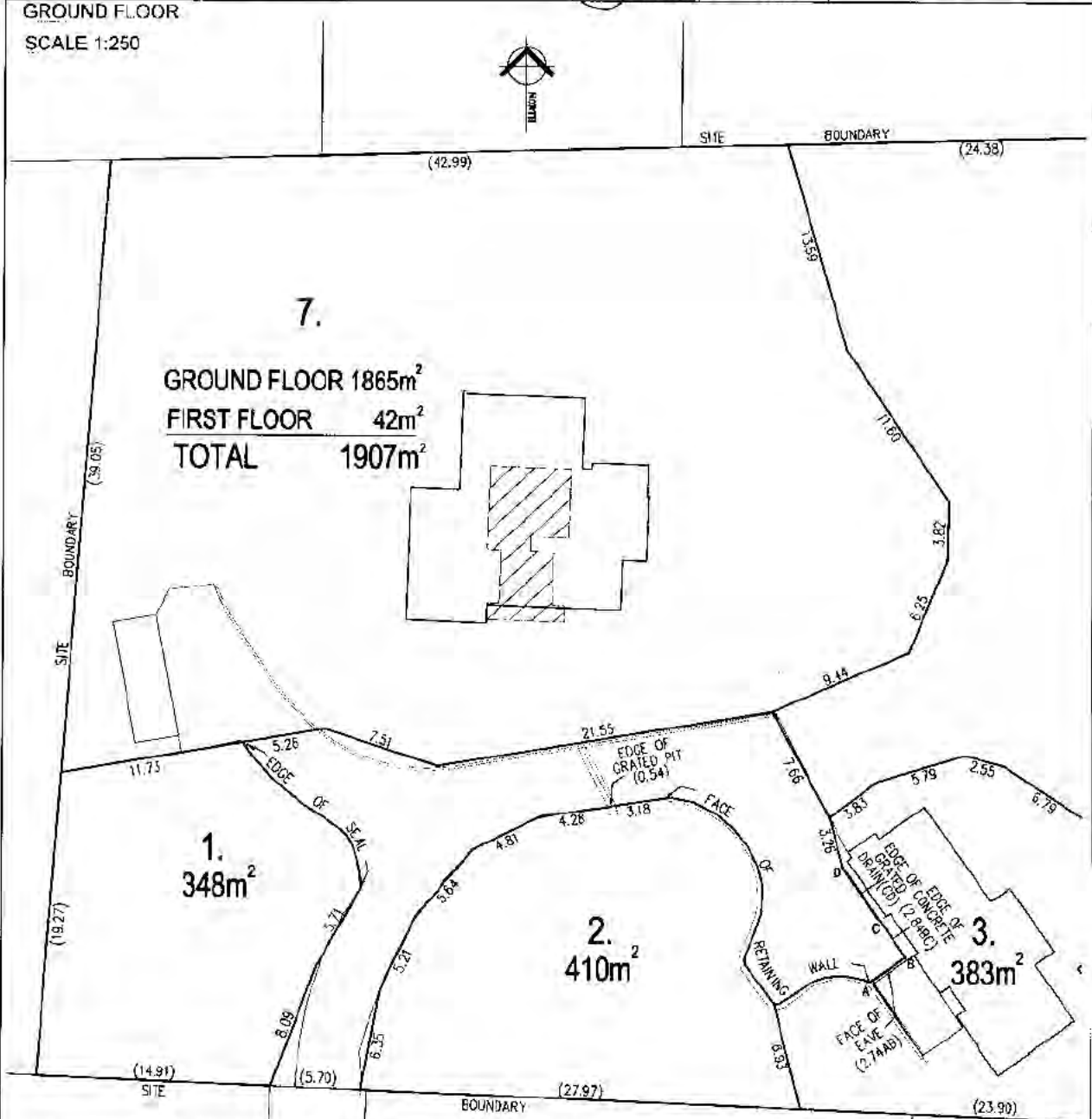
D6078 APPLICATION for registration of a staged development
scheme Registered 02-May-2011 at noon

M829346 APPLICATION for registration of stage of staged dev.
scheme by creating Lots 4-6 inclusive, deleting Lot
500, increasing common property & adjusting unit
entitlements Registered 31-Jul-2020 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

STRATA PLAN SHEET 2 OF 5 SHEETS	STRATA TITLES ACT 1998	Registered Number
		20.4.11
Council Delegate		Date

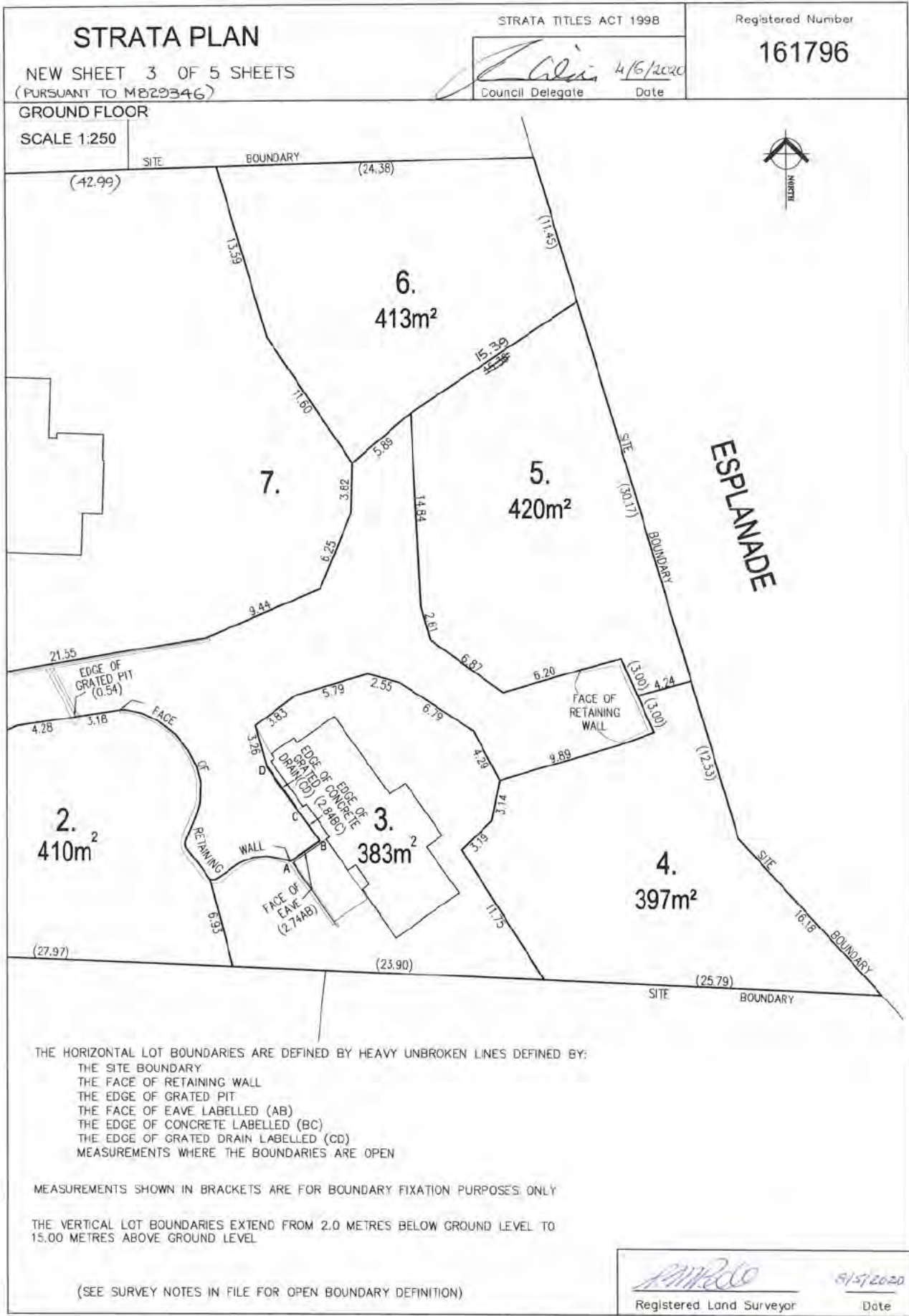


THE HORIZONTAL LOT BOUNDARIES ARE DEFINED BY HEAVY UNBROKEN LINES DEFINED BY:
 THE SITE BOUNDARY
 THE FACE OF RETAINING WALL
 THE EDGE OF SEAL
 THE EDGE OF GRATED PIT
 THE FACE OF CAVE LABELLED (AB)
 THE EDGE OF CONCRETE LABELLED (BC)
 THE EDGE OF GRATED DRAIN LABELLED (CD)
 MEASUREMENTS WHERE THE BOUNDARIES ARE OPEN

MEASUREMENTS SHOWN IN BRACKETS ARE FOR BOUNDARY FIXATION PURPOSES ONLY

THE VERTICAL LOT BOUNDARIES EXTEND FROM 2.0 METRES BELOW GROUND LEVEL TO 15.00 METRES ABOVE GROUND LEVEL EXCEPT FOR THE AREA SHOWN HATCHED WHERE THE BOUNDARY EXTENDS FROM 2.0 METRES BELOW GROUND LEVEL TO THE CENTRE LINE OF THE FLOOR ABOVE OR THE EXTENSION THEREOF
 (SEE SURVEY NOTES IN FILE FOR OPEN BOUNDARY DEFINITION)

7/3/2011
 Registered Land Surveyor Date



STRATA PLAN

SHEET 4 OF 5 SHEETS

STRATA TITLES ACT 1998

Registered Number

161796

Council Delegate

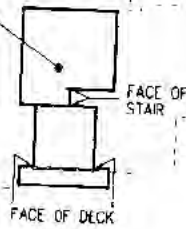
20-4-11

Date

FIRST FLOOR
SCALE 1:250



PART OF
LOT 7
42m²



THE HORIZONTAL LOT BOUNDARIES ARE DEFINED BY HEAVY UNBROKEN LINES DEFINED BY:
THE CENTRE LINE OF WALLS UNLESS OTHERWISE STATED
THE FACE OF DECK
THE FACE OF STAIR

~~MEASUREMENTS SHOWN IN BRACKETS ARE FOR BOUNDARY FIXATION PURPOSES ONLY~~

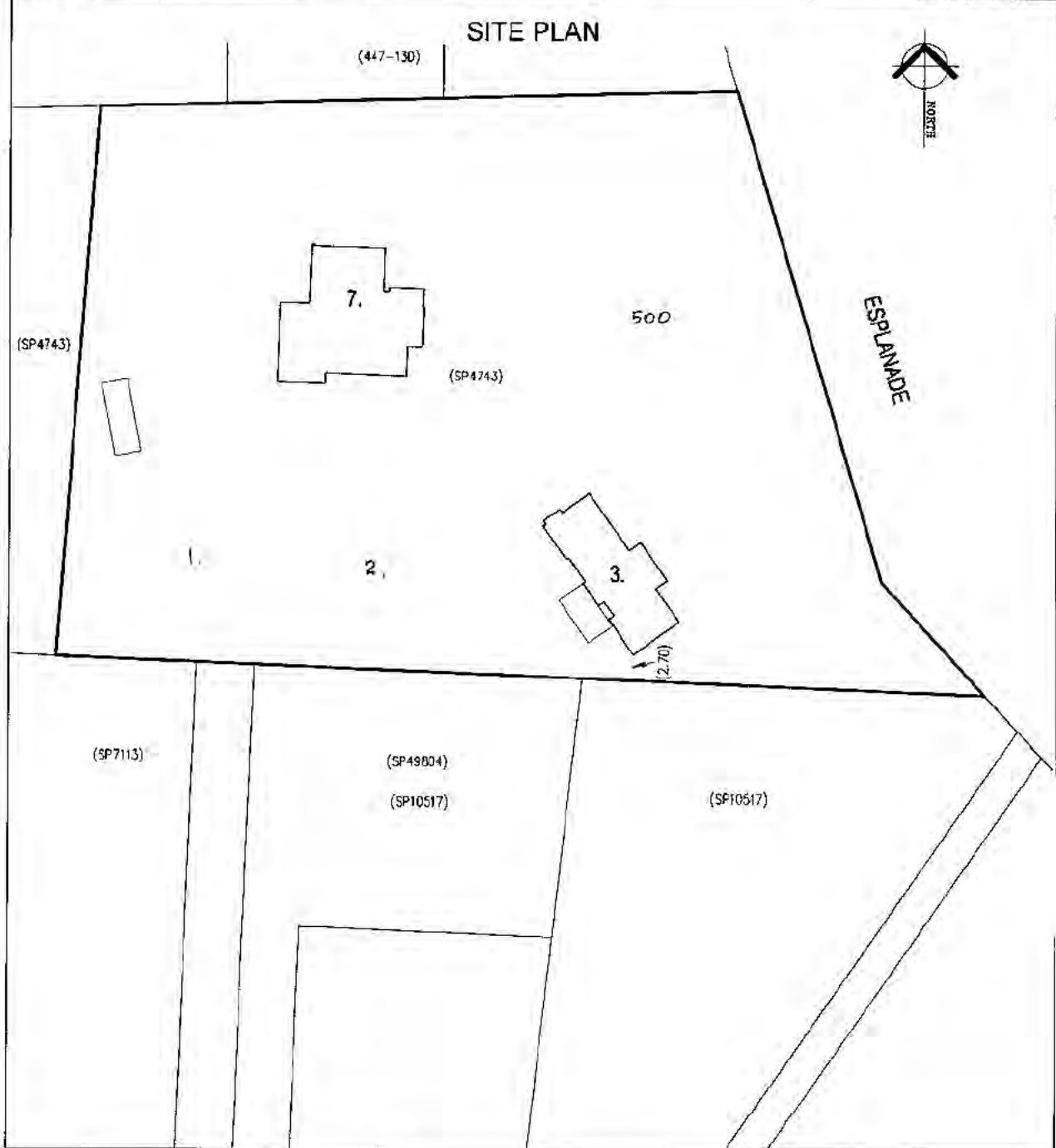
THE VERTICAL LOT BOUNDARIES EXTEND FROM THE CENTRE LINE OF THE FLOOR BELOW
OR THE EXTENSION THEREOF TO 15.00 METRES ABOVE GROUND LEVEL

Registered Land Surveyor

7/3/2011

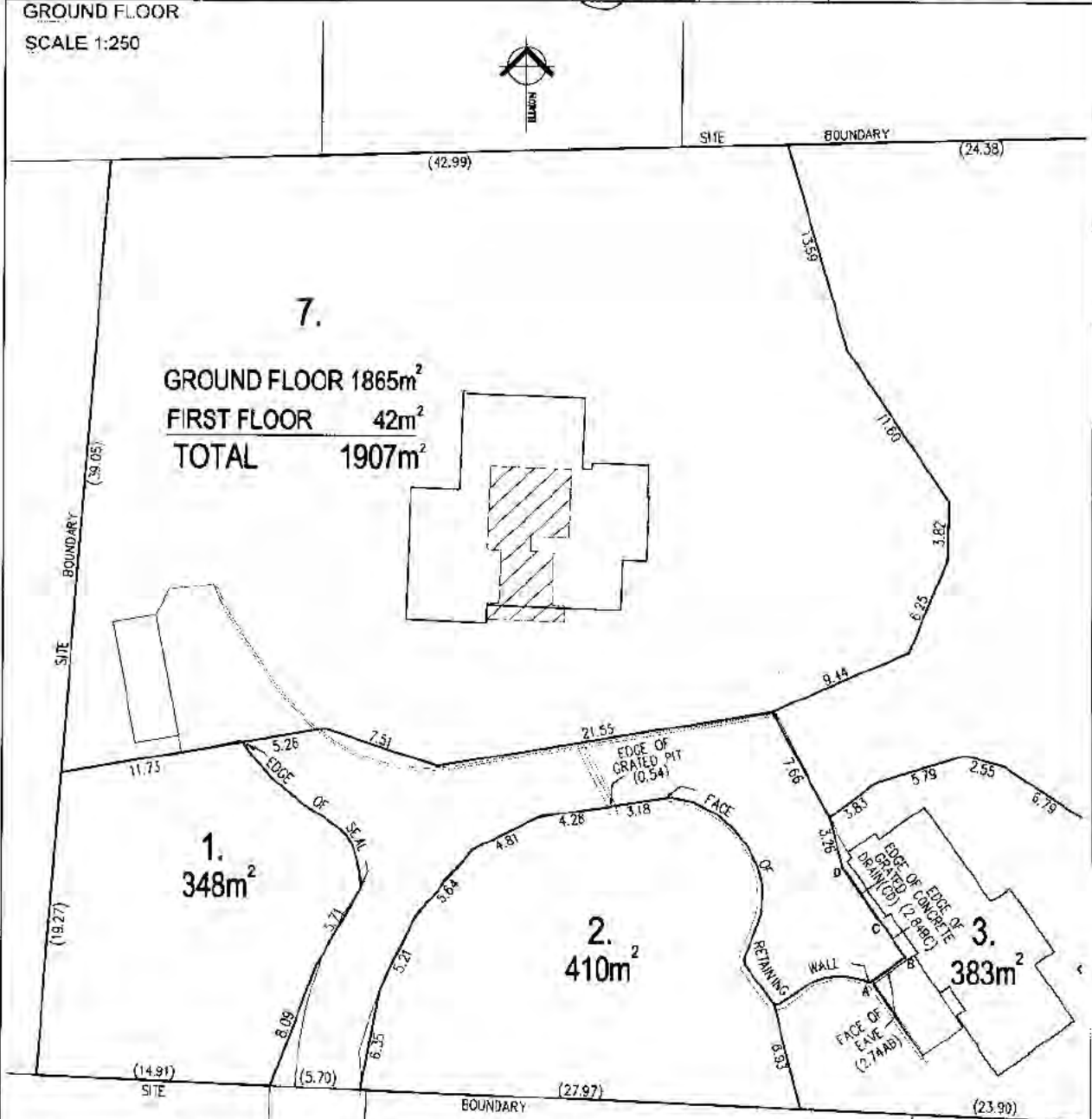
Date

TOWN OF BRIDPORT SUBURB/LOCALITY		STRATA PLAN SHEET 1 OF 5 SHEETS		REGISTERED NUMBER 161796
FOLIO REFERENCE C.T.91713-2 SITE COMPRISES THE WHOLE OF LOT 2 ON PLAN No S.P.4743				NAME OF STRATA SCHEME 4 BRIDVIEW PLACE, BRIDPORT
MAPSHEET MUNICIPAL CODE No 109	LAST UPI No F1H47	SCALE 1:400	LENGTHS IN METRES	<i>Alice Kawa</i> Recorder of Titles



NOTES: (i) ALL BUILDINGS ON THE SITE TO BE SHOWN ON SHEET 1 (ii) BUILDING TO SITE BOUNDARY OFFSETS OF LESS THAN 2.00 METRES TO BE SHOWN ON SHEET 1	<i>[Signature]</i> Council Delegate	20-4-11 Date	<i>[Signature]</i> Registered Land Surveyor	7/3/2011 Date
	STAGED/COMMUNITY DEVELOPMENT SCHEME No (IF APPLICABLE) (D8078)		LODGED BY WILL EDWARDS LAWYERS	

STRATA PLAN SHEET 2 OF 5 SHEETS	STRATA TITLES ACT 1998	Registered Number
	Council Delegate	Date 20.4.11



THE HORIZONTAL LOT BOUNDARIES ARE DEFINED BY HEAVY UNBROKEN LINES DEFINED BY:

- THE SITE BOUNDARY
- THE FACE OF RETAINING WALL
- THE EDGE OF SEAL
- THE EDGE OF GRATED PIT
- THE FACE OF CAVE LABELLED (AB)
- THE EDGE OF CONCRETE LABELLED (BC)
- THE EDGE OF GRATED DRAIN LABELLED (CD)

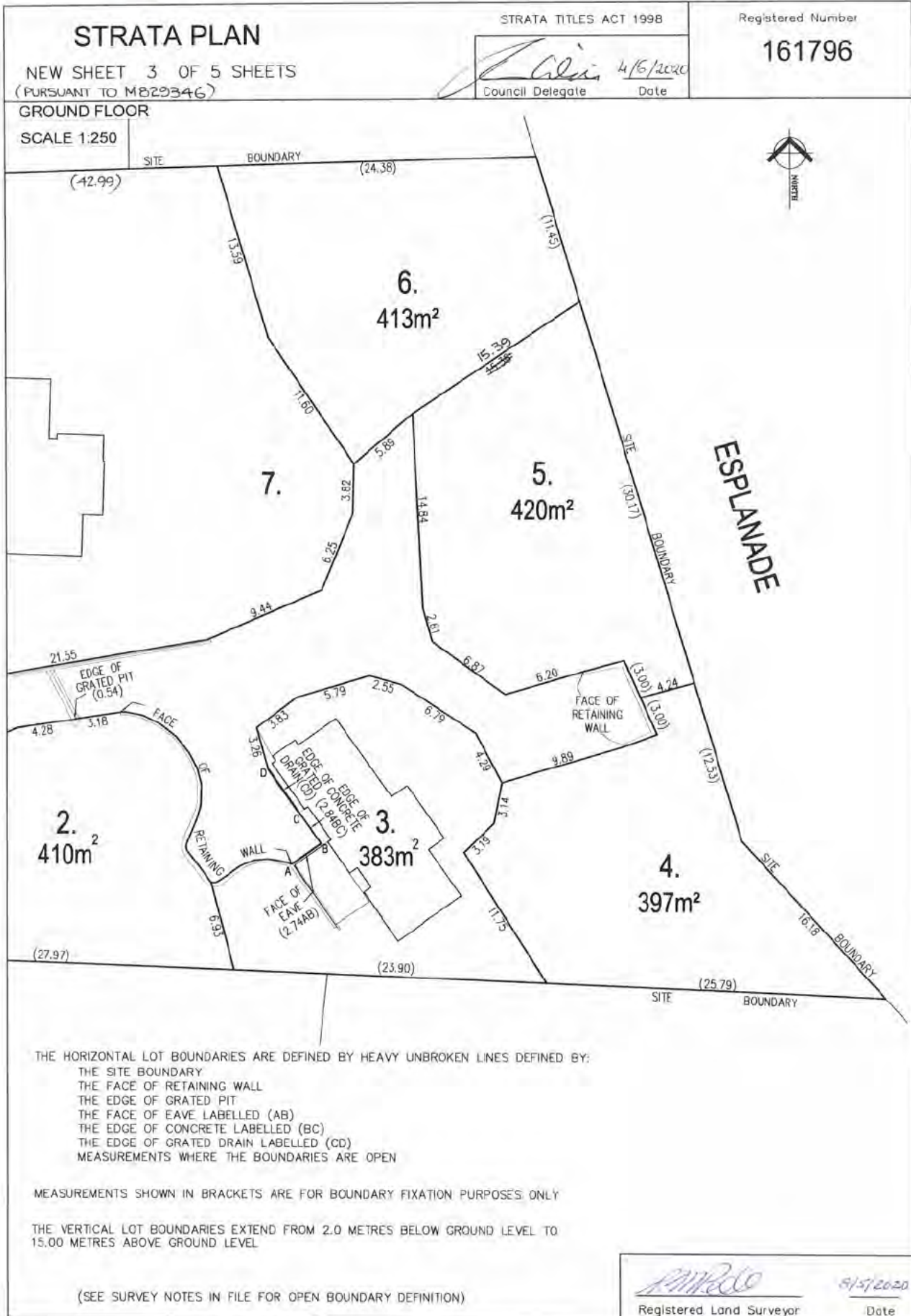
MEASUREMENTS WHERE THE BOUNDARIES ARE OPEN

MEASUREMENTS SHOWN IN BRACKETS ARE FOR BOUNDARY FIXATION PURPOSES ONLY

THE VERTICAL LOT BOUNDARIES EXTEND FROM 2.0 METRES BELOW GROUND LEVEL TO 15.00 METRES ABOVE GROUND LEVEL EXCEPT FOR THE AREA SHOWN HATCHED WHERE THE BOUNDARY EXTENDS FROM 2.0 METRES BELOW GROUND LEVEL TO THE CENTRE LINE OF THE FLOOR ABOVE OR THE EXTENSION THEREOF

(SEE SURVEY NOTES IN FILE FOR OPEN BOUNDARY DEFINITION)

1/3/2011
Registered Land Surveyor Date



STRATA PLAN

SHEET 4 OF 5 SHEETS

STRATA TITLES ACT 1998

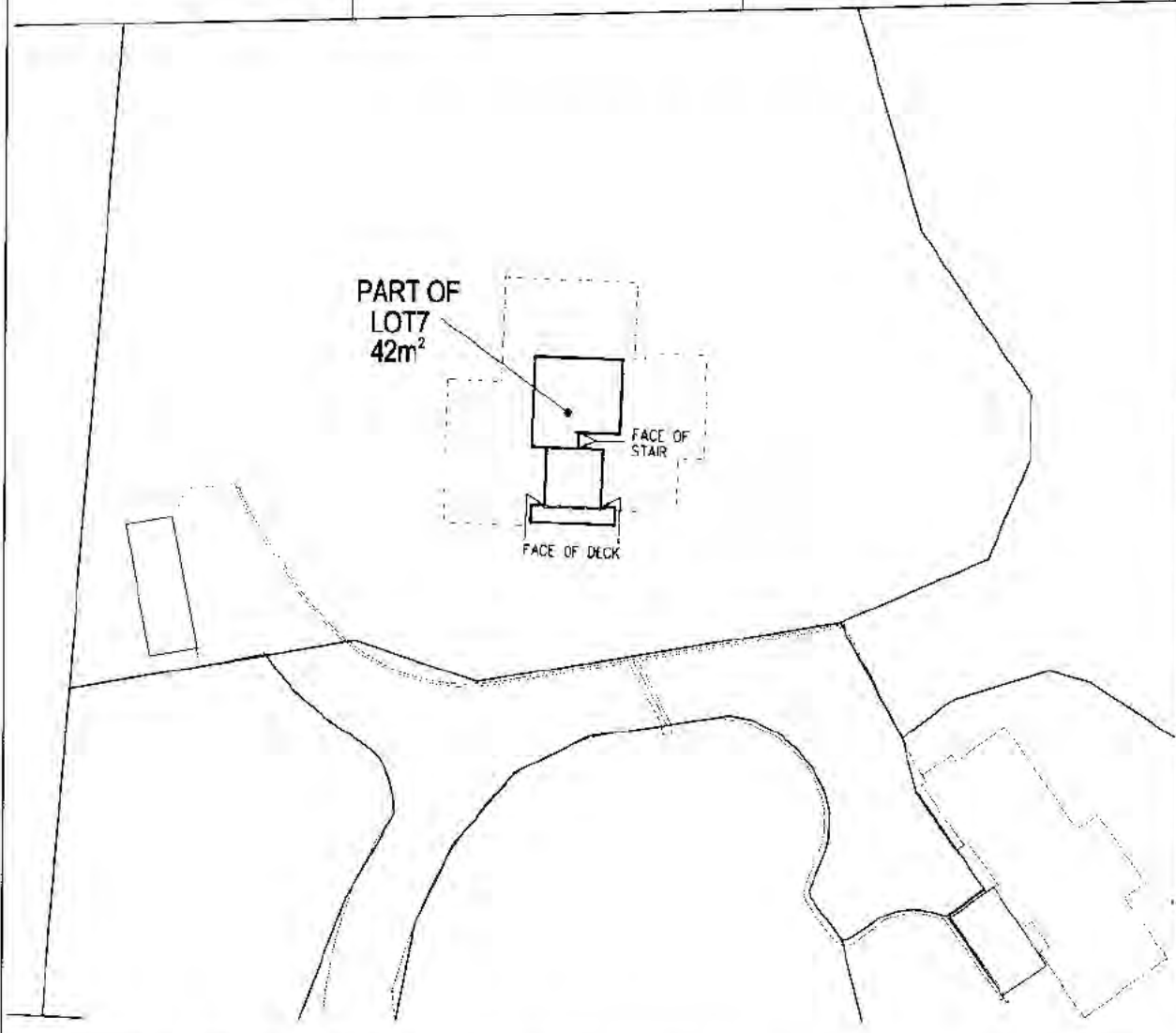
Registered Number

161796

[Signature]
Council Delegate

20-4-11
Date

FIRST FLOOR
SCALE 1:250



THE HORIZONTAL LOT BOUNDARIES ARE DEFINED BY HEAVY UNBROKEN LINES DEFINED BY:
THE CENTRE LINE OF WALLS UNLESS OTHERWISE STATED
THE FACE OF DECK
THE FACE OF STAIR

~~MEASUREMENTS SHOWN IN BRACKETS ARE FOR BOUNDARY FIXATION PURPOSES ONLY~~

THE VERTICAL LOT BOUNDARIES EXTEND FROM THE CENTRE LINE OF THE FLOOR BELOW
OR THE EXTENSION THEREOF TO 15.00 METRES ABOVE GROUND LEVEL

[Signature]
Registered Land Surveyor

7/3/2011
Date

SEARCH OF TORRENS TITLE

VOLUME 10517	FOLIO 3
EDITION 1	DATE OF ISSUE 05-Nov-1993

SEARCH DATE : 05-Oct-2022

SEARCH TIME : 04.58 PM

DESCRIPTION OF LAND

Town of BRIDPORT
 Lot 3 on Sealed Plan 10517
 Derivation : Part of Lot 3 Section K. Gtd. to E.B. Adams
 Prior CT 3684/31

SCHEDULE 1

A545303 JAMES KENNETH LEITCH and ROSLYN MARGORY LEITCH
 (jointly as between themselves) of one undivided 1/2
 share and TASMANIAN DEPOSIT AND INVESTMENT COMPANY
 PROPRIETARY LIMITED of one undivided 1/2 share as
 tenants in common

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 SP 10517 EASEMENTS in Schedule of Easements (if any)
 SP 10517 COVENANTS in Schedule of Easements (if any)
 SP 10517 FENCING COVENANT in Schedule of Easements

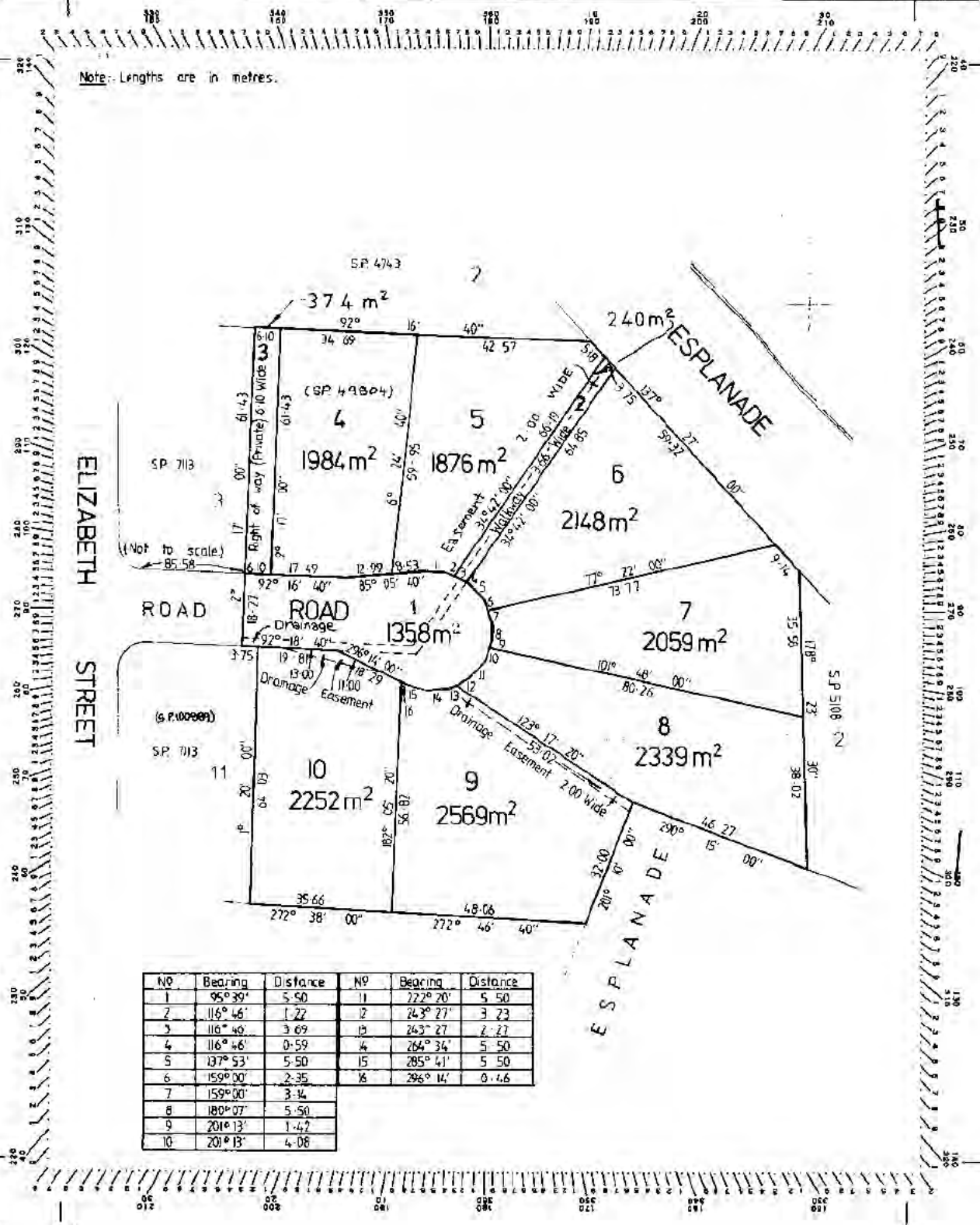
UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

SP 10517

Owner: James Kenneth Leitch & Others.	PLAN OF SURVEY by Surveyor A.C. Craig of land situated in the	Registered Number: <h1 style="font-size: 2em;">S.P10517</h1>
Title Reference: C.T. 3398-72	TOWN OF BRIDPORT	Effective from: -5 MAY 1974 Recorder of Titles
Grantee: Part of Lot 3 (17 ^A -3 ^R -21 ^P) Ctd. to E.B. Adams. E.B. Adams & Co.	SECTION K.	

Scale - 1:1000





SCHEDULE OF EASEMENTS

PLAN NO.

**S.P.
10517**

Note:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

EASEMENTS AND PROFITS

Each lot on the plan is together with:—

- (1) such rights of drainage over the drainage easements shewn on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits à prendre described hereunder.

Each lot on the plan is subject to:—

- (1) such rights of drainage over the drainage easement shewn on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits à prendre described hereunder.

The direction of the flow of water through the drainage easement shewn on the plan is indicated by arrows.

MM { Lots 1 and 2 are each subject to a right of drainage (appurtenant to Lots 1 to 3 and 11 to 14 on Sealed Plan No. 7113) over the Drainage Easement shown passing through such Lots.
COVENANTS

The owners of each of the Lots shown on the plan covenant with --- James Kenneth Leitch Roslyn Margory Leitch and Tasmanian Deposit and Investment Company Proprietary Limited that the Vendors (the said James Kenneth Leitch Roselyn Margory Leitch and Tasmanian Deposit and Investment Company Proprietary Limited) shall not be required to fence.

MM Lot 3 is subject to a right of carriageway appurtenant to Lot 2 on Sealed Plan No. 4743.

SIGNED by the said JAMES KENNETH LEITCH and ROSLYN MARGORY LEITCH --) the registered proprietors of one --) undivided one half share of the --) land comprised in Certificate of --) Title Volume 3512 Folio 66 in ---) the presence of :

*James Leitch
Roslyn Leitch*

[Handwritten signature]

THE COMMON SEAL of TASMANIAN ---) DEPOSIT AND INVESTMENT COMPANY ---) PROPRIETARY LIMITED the registered proprietor of one undivided one --) half share of the land comprised in Certificate of Title Volume 3512 --) Folio 66 was hereunto affixed in --) the presence of :)



[Handwritten signature] DIRECTOR

[Handwritten signature] SECRETARY

10517

Certified correct for the purposes of the Real Property Act 1862, as amended.

Subdivider/Solicitor for the Subdivider

This is the schedule of easements attached to the plan of James Kenneth Heister
(Insert Subdivider's Full Name)

et al. affecting land in

CT 3348-72

(Insert Title Reference)

Scaled by Municipality of Scottsdale on 14th November 1977

Council Clerk/Town Clerk

137

SEARCH OF TORRENS TITLE

VOLUME 165691	FOLIO 1
EDITION 2	DATE OF ISSUE 17-Apr-2018

SEARCH DATE : 05-Oct-2022

SEARCH TIME : 05.00 PM

DESCRIPTION OF LAND

Town of BRIDPORT

Lot 1 on Plan 165691 (Section 27A of the Land Titles Act.)

Derivation : Whole of Lot 1 (3301m2) The Crown

SCHEDULE 1

C741852 TRANSFER to DORSET COUNCIL Registered 17-Apr-2018
at noon

SCHEDULE 2

C741852 Land is limited in depth to 15 metres, excludes
minerals and is subject to reservations relating to
drains sewers and waterways in favour of the Crown

C741848 BURDENING ELECTRICITY INFRASTRUCTURE EASEMENT with
the benefit of a restriction as to user of land in
favour of Tasmanian Networks Pty Ltd over the land
marked Wayleave Easement on Plan 165691 (Subject to
Provisions)

C741852 FENCING PROVISION in Transfer

C741892 REVERSIONARY CONDITIONS set forth in Transfer

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



dorset

3 Ellenor Street SCOTTSDALE TAS 7260 P 03 6352 6500

E dorset@dorset.tas.gov.au W www.dorset.tas.gov.au

NOTICE OF PLANNING APPLICATION

LAND USE PLANNING & APPROVALS ACT 1993

In accordance with *Section 57 (3)* of the *Land Use Planning & Approvals Act 1993* notice is hereby given that the following application has been received:

DA No: 2022/135
PROPOSAL: VISITOR ACCOMMODATION (1 UNIT)
APPLICANT: MRS L A WAGER
LOCATION: 6/4 BRIDVIEW PLACE BRIDPORT AND RELIANCE UPON VEHICLE ACCESS THROUGH (I) STRATA CORPORATION NUMBER 161796 4 BRIDVIEW PLACE BRIDPORT AND F/R 10517/3 BRIDVIEW PLACE BRIDPORT AND (II) CROWN LAND ESPLANADE BRIDPORT AND F/R 165691/1 MAIN STREET BRIDPORT

The application and associated plans and documents will be available for inspection at the Council Offices, 3 Ellenor Street, Scottsdale during normal office hours ending on 22/10/2022.

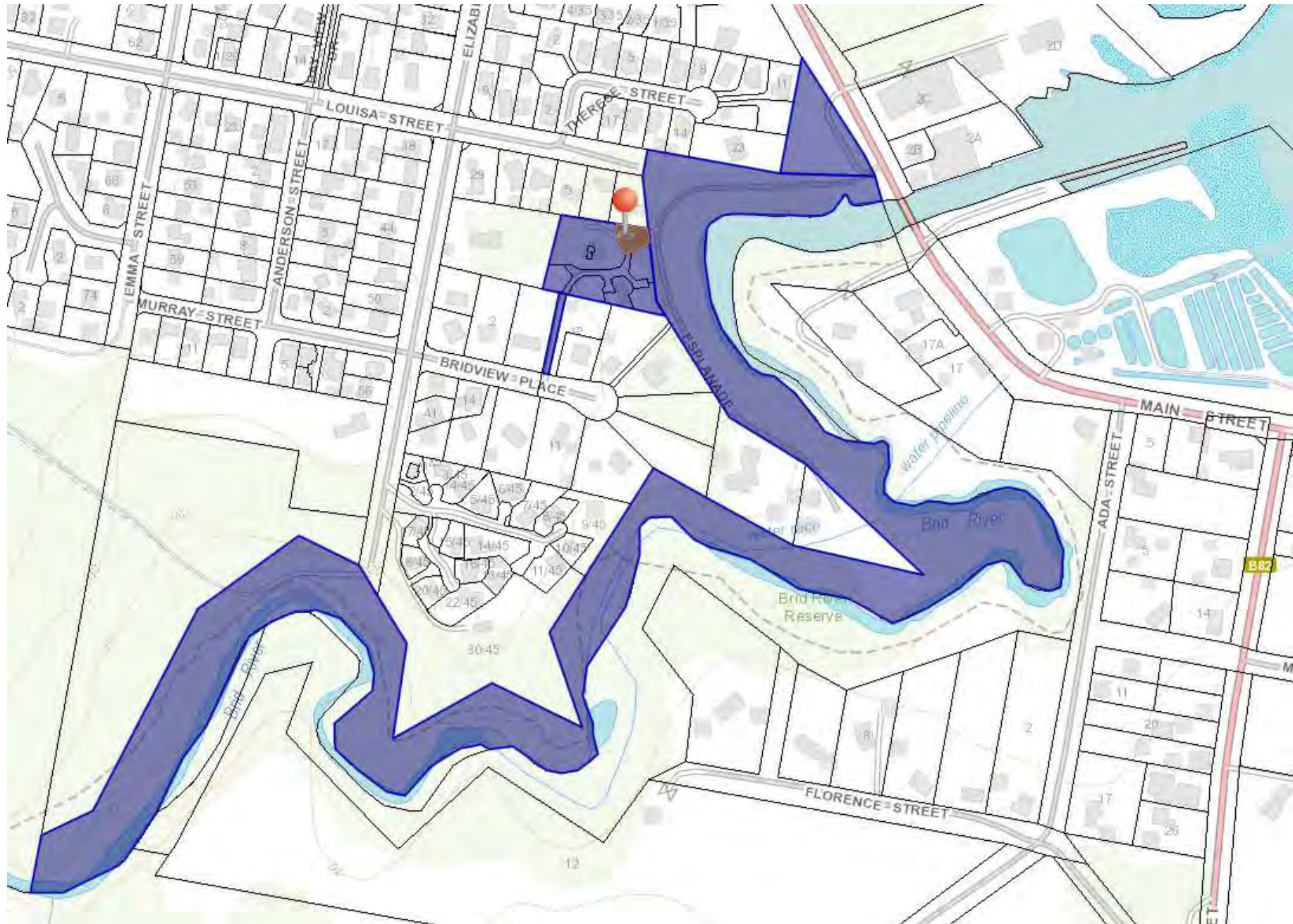
Further, in accordance with *Section 57 (5)* of the *Land Use Planning & Approvals Act 1993* any persons may make representations relating to the application which was advertised in The Examiner newspaper (Local Government Notices) on 08/10/2022. Representations must be addressed to the General Manager, Dorset Council, PO Box 21, Scottsdale 7260.

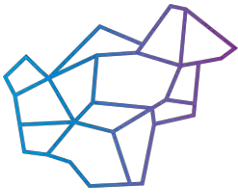
If you have any queries could you please contact the Dorset Council on **03 6352 6500** during normal office hours.

John Marik

ACTING GENERAL MANAGER

**6/4 Bridview Place Bridport and reliance upon vehicle access through (i) Strata Corporation Number 161796 4
Bridview Place Bridport and F/R 10517/3 Bridview Place Bridport and (ii) Crown Land Esplanade Bridport and F/R
165691/1 Main Street Bridport (2022/135)**





Planning Permit Application

Please print all applicable details clearly

THE PROPOSAL

Describe in full the way it is proposed to use and/or develop the land: Building Work <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	⇒ Provide a full description of the proposed use or development, including: <ul style="list-style-type: none"> • Building work • Change of use • Subdivision • Forestry • Demolition • Staging (if development is proposed to be carried out in stages, indicate this on the plans and describe in written material) • Signage • Other
--	--

THE LAND

Address 6/4 Bridview Place Bridport Tas 7262	Certificate of Title (include all applicable title references) Volume: _____ Folio: _____
Land Area (m ² or hectares): 413m ²	
Present use of land: Vacant Land <hr/> <hr/>	⇒ Provide a description of the existing use of the land, for example vacant, residential, agriculture, industrial, commercial
Present use of existing building(s): - <hr/> <hr/>	⇒ Provide a description of the use of the existing buildings on the land, for example dwelling, workshop, farm building, office, shop

THE APPLICANT (Note: the person to be nominated as the Applicant is the one whose name will appear for public notification purposes and permit issue)

Applicant's Name: Lydia Wager	
Address: <hr/> <hr/> <hr/>	Phone:
	Fax:
	Mobile:
Email:	

THE OWNER

Owner's Name(s): Lydia Wager	
Address: _____ _____ _____	Phone:
	Fax:
	Mobile:
Email:	

CROWN AND/OR COUNCIL CONSENT [to be completed where land in respect of the Application is (i) Crown land (within the meaning of the *Crown Lands Act 1976*) or (ii) owned or administered by the Crown or a Council]

Owner / Administrator's Name(s): Dorset Council	
Person signing the Application: John Marik	⇒ <i>to be completed by a person conferred the authority to ensure compliance with Section 52(1B)(a) of the Land Use Planning and Approvals Act 1993.</i>
Signature: _____ Date: 04/10/2022	

DETAILS OF BUILDING WORK (to be completed if Application requires building work)

Value of building work: \$ 442,000		⇒ Please tick applicable box: <input checked="" type="checkbox"/> Estimate <input type="checkbox"/> Contract Price
Type of work: New Building		⇒ <i>For example, new building, alteration, addition, removal, repairs, demolition, re-erection, change of use</i>
Proposed use of building: Visitor Accommodation		⇒ <i>Describe the main use of the proposed building, for example, dwelling, workshop, farm building, office, shop</i>
Existing floor area: - _____ m ²	New / additional floor area: 196.5 _____ m ²	Proposed maximum building height above natural ground level: 7.9 _____ m
Materials: structural floor: Timber external walls: Fc Sheeting colour: White roof cladding: Colorbond colour: White structural frame: Timber		

DETAILS OF OTHER WORKS

Vehicle Access:

Is a new vehicle access or crossover required? (if so, ensure this is indicated on the plans) Y

What would be the surfacing of the vehicle access? Gravel

Car Parking:

How many car parking spaces are currently provided? -

How many additional car parking spaces would be provided? 3

What would be the surfacing of the car parking spaces? Gravel

Is provision made for loading and unloading of vehicles? (to be completed for retail, commercial, industrial, service industry or storage uses)

Describe any proposed earthworks, vegetation removal or other works required as part of the use and/or development:

Earthwork

DETAILS OF OTHER MATTERS

Proposed hours of operation:

Monday to Friday: _____ am to _____ pm

Saturday: _____ am to _____ pm

Sunday: _____ am to _____ pm

Provide details of any goods that would be stored outside:

Privacy Statement

The Dorset Council is committed to upholding the right to privacy of all individuals who have dealings with the Council. Unless required by law or by a Court or tribunal, the Council will take the necessary steps to ensure that the personal information that members of the public share with the Council remains confidential. How we use this information is explained in our Personal Information Protection Policy which is available at www.dorset.tas.gov.au or at the Council office.

Appointment Details

To ensure Council's officers are available to assist you with the submission of your Application, it is advisable to make an appointment by contacting Regulatory Services on 6352 6500.

Date: _____ Time: _____ Council Officer: _____

Copyright Authority

I authorise the Council and the Crown in right of the state of Tasmania to provide to any person, for the purposes of assessment or public consultation, a partial or complete copy of documents relating to this application.

I understand that the information and materials provided with this Application may be made available to the public in electronic form on the Council's website. I understand that the Council may make such copies of the information and materials as, in its opinion, are necessary to facilitate a thorough consideration of the Application.

I declare that the information given is a true and accurate representation of the proposed use and/or development, and I am liable for the payment of Council application processing fees even in the event of the use and/or development proposed by this Application not proceeding.

I confirm I am the copyright owner or have the authority to sign on behalf of any other person with copyright for documents relating to this Application.

I indemnify the Dorset Council for any claim or action taken against it in respect of breach of copyright in respect of any of the information or material provided.

Note: This authority is intended to cover copies made by the Crown or Council under Sections 40, 43, 49 or 183 of the *Copyright Act 1968*.

Where the applicant is NOT the owner, I hereby declare that the owner of the land to which this application relates has been notified of this application being made and the information and details supplied by me in this application are a true and accurate description of the proposal.

Applicant's Signature: L Wager

Date: 11/07/2022



dorset
COUNCIL

Our Ref: 2022/135 76570 9383552
4 October 2022

ABN 68 027 137 155
3 Eleanor Street
Scottsdale Tasmania
PO Box 21 Scottsdale
Tasmania 7260

T 03 6352 6500
F 03 6352 6509
E dorset@dorset.tas.gov.au
dorset.tas.gov.au



Mr Thomas Wagenknecht
Town Planner - Dorset Council
PO Box 21
SCOTTSDALE TAS 7260

Dear Thomas

Council Landowner Consent

Visitor Accommodation (1 Unit)

**At: 6/4 Bridview Place Bridport and reliance upon vehicle access through
(i) Strata Corporation Number 161796 4 Bridview Place Bridport and F/R
10517/3 Bridview Place Bridport and (ii) Crown Land Esplanade Bridport
and F/R 165691/1 Main Street Bridport**

I refer to the application being made by Mrs L A Wager to gain planning approval for Visitor Accommodation (1 Unit) on land addressed as 6/4 Bridview Place Bridport and reliance upon vehicle access through (i) Strata Corporation Number 161796 4 Bridview Place Bridport and F/R 10517/3 Bridview Place Bridport and (ii) Crown Land Esplanade Bridport and F/R 165691/1 Main Street Bridport.

This development encompasses land which is owned by the Council. I therefore advise that consent to lodge this application is granted.

Yours faithfully

JOHN MARIK

Acting General Manager



Planning Permit Application

Please print all applicable details clearly

THE PROPOSAL

Describe in full the way it is proposed to use and/or develop the land: Building Work <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	⇨ Provide a full description of the proposed use or development, including: <ul style="list-style-type: none"> • Building work • Change of use • Subdivision • Forestry • Demolition • Staging (if development is proposed to be carried out in stages, indicate this on the plans and describe in written material) • Signage • Other
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Address 6/4 Bridview Place Bridport Tas 7262 <hr/>	Certificate of Title (include all applicable title references) Volume: _____ Folio: _____
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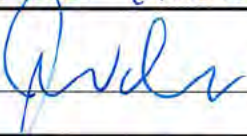
THE APPLICANT (Note: the person to be nominated as the Applicant is the one whose name will appear for public notification purposes and permit issue)

Applicant's Name: Lydia Wager	
Address: <div style="background-color: black; width: 250px; height: 40px; margin-top: 5px;"></div> <hr/>	Phone: <hr/>
<div style="background-color: black; width: 250px; height: 40px; margin-top: 5px;"></div> <hr/>	Fax: <hr/>
Email: <div style="background-color: black; width: 250px; height: 20px; display: inline-block;"></div>	Mobile: <div style="background-color: black; width: 150px; height: 20px; display: inline-block;"></div>

THE OWNER

Owner's Name(s): Lydia Wager	
Address: _____ _____ _____	Phone:
	Fax:
	Mobile: _____
Email: _____	

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Owner / Administrator's Name(s): The Crown	
Person signing the Application: Jesse Walker Team Leader (Assessments)	⇒ to be completed by a person conferred the authority to ensure compliance with Section 52(1B)(a) of the Land Use Planning and Approvals Act 1993.
Signature: 	

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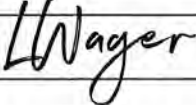
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I indemnify the Dorset Council for any claim or action taken against it in respect of breach of copyright in respect of any of the information or material provided.

Note: This authority is intended to cover copies made by the Crown or Council under Sections 40, 43, 49 or 183 of the *Copyright Act 1968*.

Where the applicant is NOT the owner, I hereby declare that the owner of the land to which this application relates has been notified of this application being made and the information and details supplied by me in this application are a true and accurate description of the proposal.

Applicant's Signature:



Date:

11/07/2022

Notice of Termination of Authority and Instrument of Delegation

DELEGATION OF THE DIRECTOR-GENERAL OF LANDS' FUNCTIONS UNDER THE LAND USE PLANNING AND APPROVALS ACT 1993

I, TIMOTHY WILLIAM BAKER, being and as the Director-General of Lands appointed under section 7 of the *Crown Lands Act 1976* ("the Act"), acting pursuant to section 23AA(5A) of the *Acts Interpretation Act*, hereby give notice that the authority of the holders of the offices of Deputy Secretary (Parks & Wildlife Service) (position number 700451), Manager - Crown Land Services (position number 707556), Team Leader - Crown Land Services (Unit Manager, Leases & Licences) (position number 340697) and Team Leader - Crown Land Services (Unit Manager, Policy & Projects) (position number 334958) to perform the functions conferred on the Director-General of Lands, as delegated on 20 December 2020 by Deidre Wilson, then Acting Director-General of Lands, is terminated with immediate effect.

Further, acting pursuant to section 52(1E) of the *Land Use Planning and Approvals Act 1993* ("the Act"), I hereby delegate the functions described (by reference to the relevant provision of the Act and generally) in Schedule I, to the persons respectively holding the offices of Deputy Secretary (Parks & Wildlife Service) (position number 700451), General Manager (Park Operations and Business Services) (position number 708581), Director (Operations) (position number 708050), Manager (Property Services) (position number 707556), Unit Manager (Operations) (position number 702124), and Team Leader (Assessments) (position number 334958) in accordance with the functions delegated to me by the Minister for Parks, being and as the Minister administering the *Crown Lands Act 1976*, by instrument dated 30 November 2021.

SCHEDULE I

Provision	Description of Functions
Section 52(1B)	Signing, and providing written permission for, applications for permits in relation to Crown land.

Dated at HOBART this 7th day of December 2021



Tim Baker
DIRECTOR-GENERAL OF LANDS



Department of Natural Resources,
and Environment Tasmania

GPO Box 44, Hobart, TAS 7001 Australia
Ph 1300 TAS PARKS / 1300 827 727 Fax 03) 6223 8308
www.parks.tas.gov.au



Enquiries: Rhys Johnson

[REDACTED]
[REDACTED]
Our ref: 22/7281

20 September 2022

Ms Lydia Ann Wager
[REDACTED]
[REDACTED]

Dear Ms Wager,

**LODGEMENT OF PLANNING APPLICATION
LYDIA WAGER
BUILDING WORK
6/4 BRIDVIEW PLACE BRIDPORT TAS 7262**

This letter, issued pursuant to section 52(1B) of the *Land Use Planning and Approvals Act 1993* (LUPAA), is to confirm that the Crown consents to the making of the enclosed Planning Permit Application, insofar as the proposed development relates to Crown land managed by the Department of Natural Resources and Environment Tasmania.

Crown consent is only given to the lodgement of this application. Any variation will require further consent from the Crown.

Please note, it is Parks & Wildlife Service's (PWS) practice that it will not approve any permanent private drainage infrastructure (stormwater or treated effluent) on Crown land unless connected to publically maintained infrastructure.

This letter does not constitute, nor imply, any approval to undertake works, or that any other approvals required under the *Crown Lands Act 1976* have been granted. If planning approval is given for the proposed development, the applicant will be required to obtain separate and distinct consent from the Crown before commencing any works on Crown land.

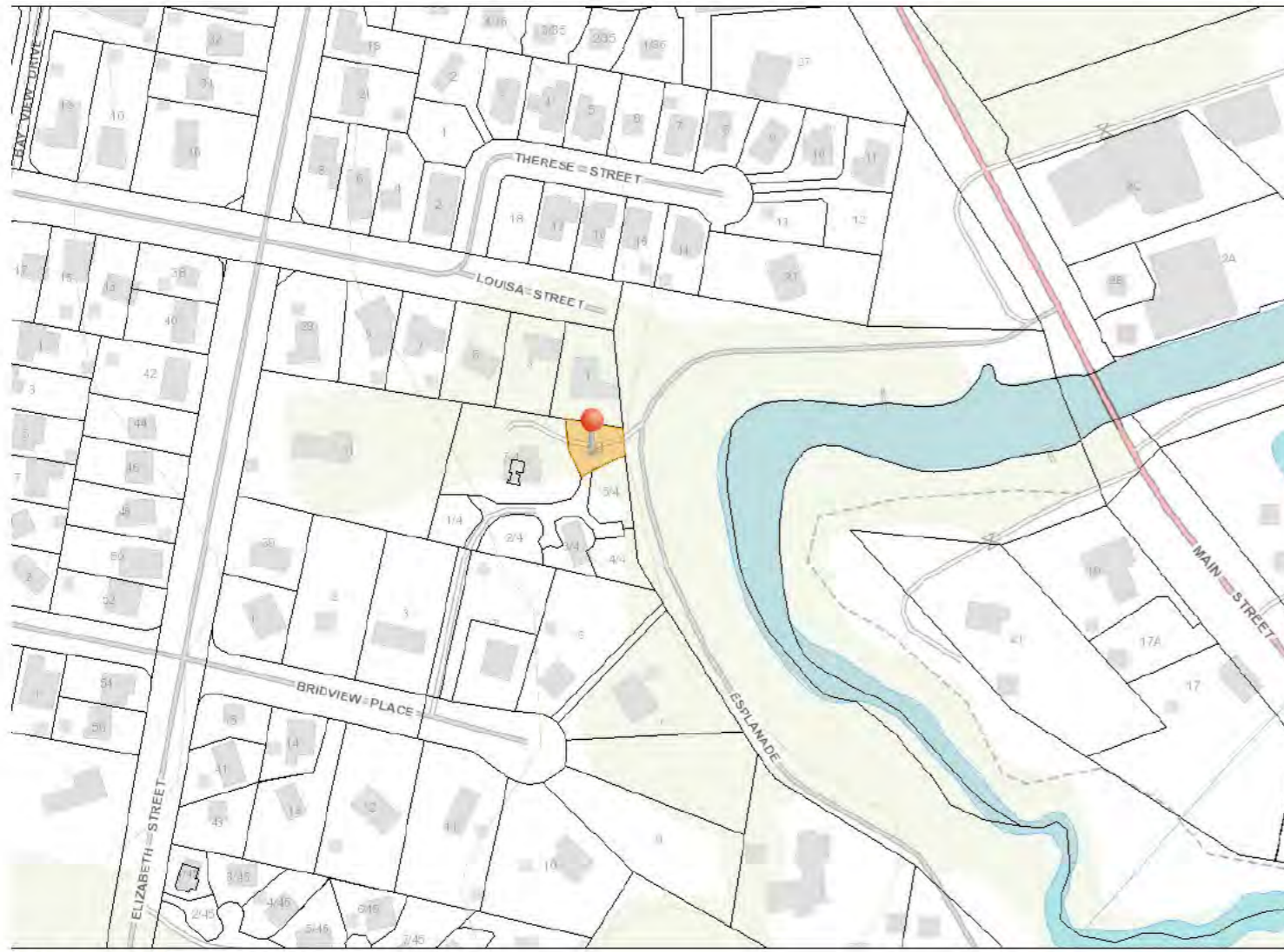
If you need more information regarding the above, please contact the officer nominated at the head of this correspondence.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jesse Walker".

Jesse Walker
Team Leader (Assessments)

NEW DWELLING (VISITOR ACCOMMODATION) at 6/4 BRIDVIEW PLACE, BRIDPORT TAS 7262 for SHANE & LYDIA WAGER



LOCATION PLAN

DRAWING SCHEDULE

- A00 COVER PAGE
- A01 SITE PLAN
- A02 LOWER GROUND FLOOR PLAN
- A03 UPPER GROUND FLOOR PLAN
- A04 ROOF PLAN
- A05 ELEVATIONS
- A06 ELEVATIONS



PLANS TO BUILD
 ABN 23 269 055 701
 Level 2, 93 York Street, Launceston
 Tasmania, 7250.
 Tel 6388 9287 Mob 0400 655 771
 Email leigh@planstobuild.com.au
L.M.DELL LIC. No. CC5932 G

GENERAL NOTES:

IN ACCORDANCE WITH THE N.C.C.S BUILDING CODE OF AUSTRALIA VOLUME TWO, ALL BUILDING WORK SHALL BE IN STRICT COMPLIANCE WITH COUNCIL LAWS, REFERENCED AUSTRALIAN STANDARDS, BUILDING ACTS & REGULATIONS REFER ALSO TO THE GENERAL REQUIREMENTS PAGE.

THE BUILDER SHALL SECURE AND MAKE SAFE THE WORKSITE IN ACCORDANCE WITH WORK SAFE TASMANIA & WHS GUIDELINES & REGULATIONS.

THE BUILDER SHALL CARRY OUT DIAL BEFORE YOU DIG REFERRAL FOR LOCATIONS OF ALL UNDERGROUND SERVICES PRIOR TO COMMENCING ANY EARTHWORKS.

THE BUILDER SHALL INSTALL SILT TRAPS & SCREENS AT THE PROPERTY BOUNDARY TO PREVENT SILT RUNOFF INTO THE COUNCIL MAIN SYSTEM FOR THE DURATION OF SITE WORKS.

THE BUILDER SHALL BE RESPONSIBLE FOR THE CORRECT SETOUT OF ALL WORKS. A LAND SURVEYOR IS RECOMMENDED BY THE DESIGNER FOR ALL SETOUT. USE FIGURED DIMENSIONS IN PREFERENCE TO SCALED DIMENSIONS.

ALL DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE ENGINEERING DRAWINGS AND SPECIFICATIONS. THE DESIGNER SHALL BE NOTIFIED OF ANY DISCREPANCIES WITH THE DRAWINGS.

ALL FITTINGS & FIXTURES INSTALLED SHALL BE PURCHASED AS NEW CONDITION & QUALITY & CARRY THE RELEVANT AUSTRALIAN STANDARD COMPLIANCES.

PROJECT INFORMATION:

FLOOR AREAS: DWELLING FLOOR AREA - 134m ² DECK AREA - 63m ²		SITE AREA: 413m ²	WIND SPEED	LAND TITLE VOLUME & FOLIO 161796/6
SITE OVERLAYS:	SITE CLASSIFICATION :	CLIMATE ZONE: 7	ALPINE AREA: N/A	BUSHFIRE ATTACK LEVEL: EXEMPT
COUNCIL: DORSET	WIND REGION: A3	CORROSION ENVIRONMENT SEVERE	TERRAIN CLASSIFICATION:	
SCHEME / ZONE: 10.0 GENERAL RESIDENTIAL	SCALE: IF IN DOUBT ASK SCALE @ A3	PRINT DATE: 5/07/2022	PROJECT NUMBER: 22068	

0. ISSUE FOR DEVELOPMENT APPROVAL	**07.22
rev. Amendment	Date
DRAWING No: A00	ISSUE: APPROVAL
1 of 7	REV: 0

SITE PLAN NOTES

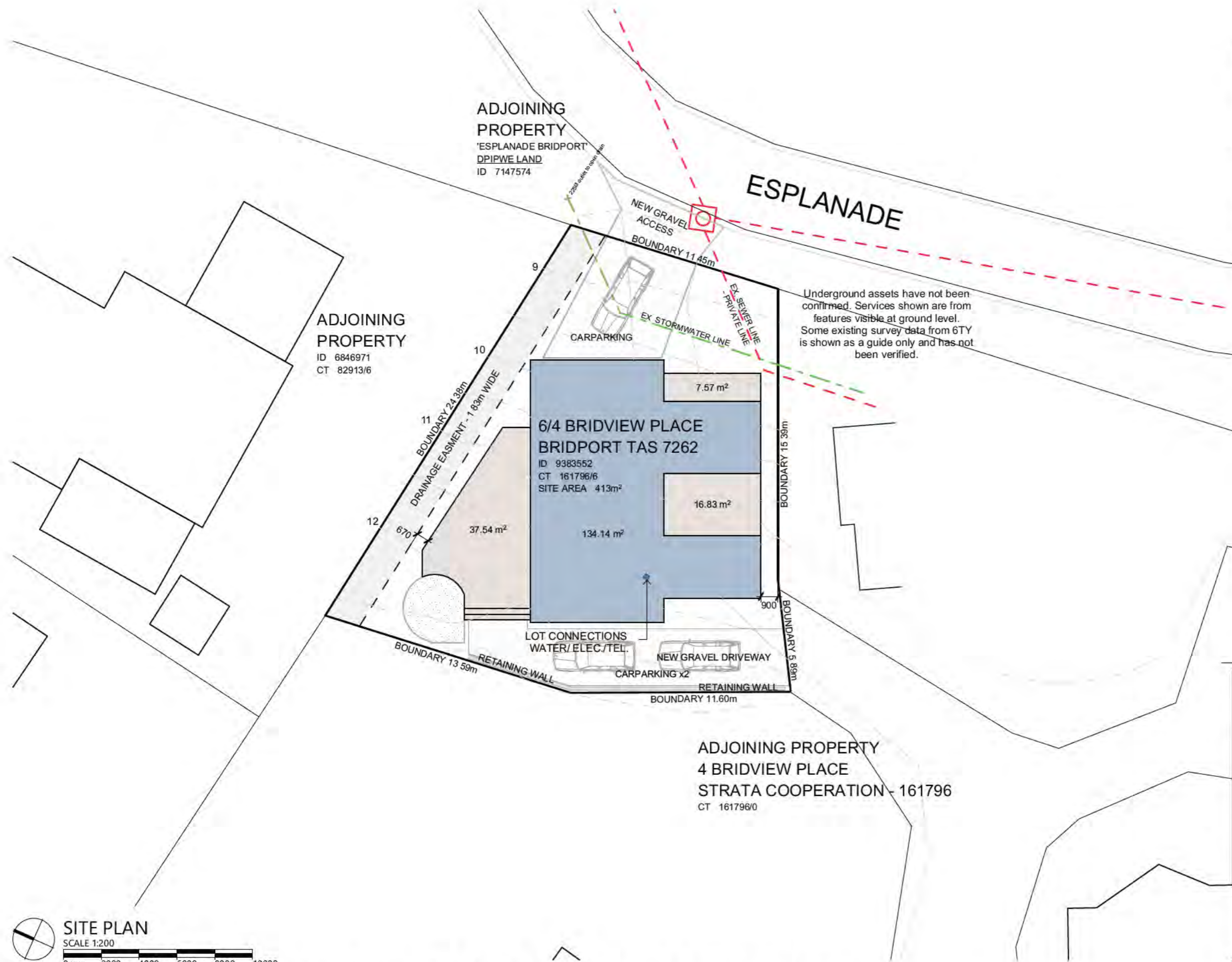
SURFACE AND SUBSURFACE DRAINAGE SYSTEMS
 IN ACCORDANCE WITH PART D2, NCC PLUMBING CODE OF AUSTRALIA VOLUME THREE THE DESIGN, CONSTRUCTION AND INSTALLATION OF A STORMWATER DRAINAGE SYSTEM MUST BE IN ACCORDANCE WITH AS/NZS 3500.3

SOIL AND WATER MANAGEMENT
 PRIOR TO THE COMMENCEMENT OF THE DEVELOPMENT WORKS THE APPLICANT OR BUILDER MUST INSTALL ALL NECESSARY SILT FENCES AND CUT OFF DRAINS TO PREVENT THE SOIL, GRAVEL AND OTHER DEBRIS FROM ESCAPING THE SITE. ADDITIONAL WORKS MAY BE REQUIRED ON COMPLEX SITES.

NO MATERIAL OR DEBRIS IS TO BE TRANSPORTED ONTO THE ROAD RESERVE (INCLUDING THE NATURE STRIP, FOOTPATH AND ROAD PAVEMENT). ANY MATERIAL THAT IS DEPOSITED ONTO THE ROAD RESERVE AS A RESULT OF THE DEVELOPMENT ACTIVITY IS TO BE REMOVED BY THE APPLICANT OR BUILDER.

THE SILT FENCING, CUT OFF DRAINS AND OTHER WORKS TO MINIMISE EROSION ARE TO BE MAINTAINED ON THE SITE UNTILL SUCH TIME AS THE SITE HAS REVEGETATED SUFFICIENTLY TO MITIGATE EROSION AND SEDIMENT TRANSPORT.

Underground assets have not been confirmed. Services shown are from features visible at ground level. Some existing survey data from 6TY is shown as a guide only and has not been verified.

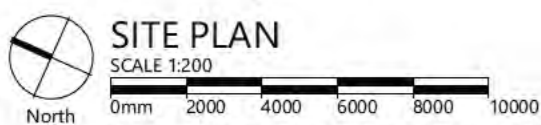


ADJOINING PROPERTY
 'ESPLANADE BRIDPORT'
 DPIPWE LAND
 ID 7147574

ADJOINING PROPERTY
 ID 6846971
 CT 82913/6

6/4 BRIDVIEW PLACE
 BRIDPORT TAS 7262
 ID 9383552
 CT 161796/6
 SITE AREA 413m²

ADJOINING PROPERTY
 4 BRIDVIEW PLACE
 STRATA COOPERATION - 161796
 CT 161796/0



PLANS TO BUILD
 ABN 23 269 055 701
 Level 2, 93 York Street, Launceston
 Tasmania, 7250.
 Tel 6388 9287 Mob 0400 655 771
 Email leigh@planstobuild.com.au
L.M.DELL LIC. No. CC5932 G

Owner:
SHANE & LYDIA WAGER

0.	ISSUE FOR DEVELOPMENT APPROVAL	**07.22
rev.	Amendment	Date
DRAWING No: A01		ISSUE: APPROVAL
2 of 7		REV: 0

NEW DWELLING (VISITOR ACCOMMODATION)

6/4 BRIDVIEW PLACE, BRIDPORT TAS 7262


PROJECT NUMBER:
22068

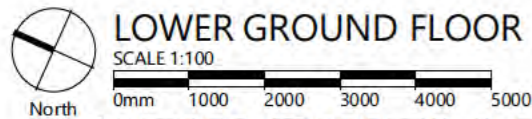
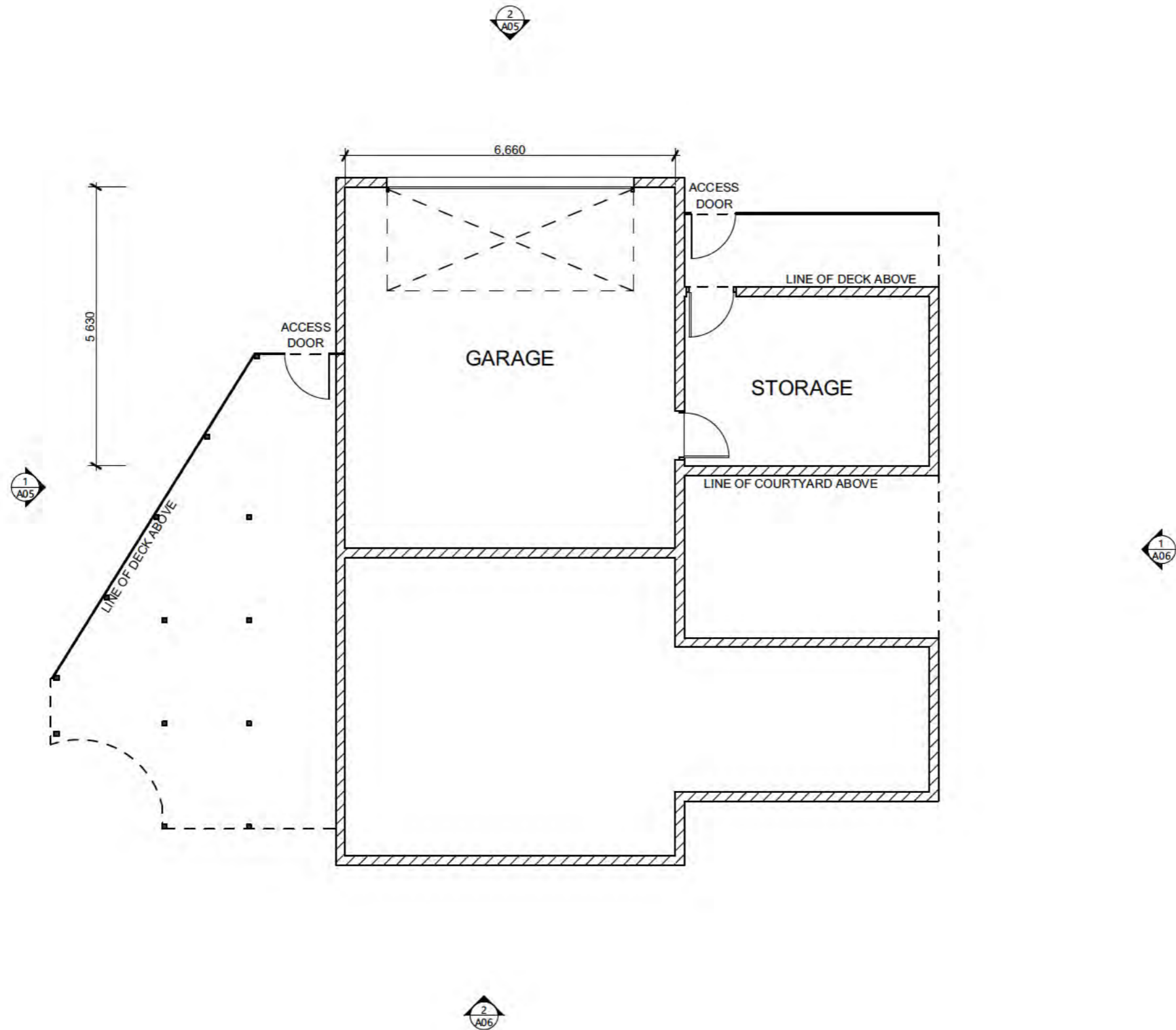
SCALE: IF IN DOUBT ASK
SCALE @ A3

PRINT DATE:
5/07/2022

DRAWING No: **A01**
 2 of 7
 ISSUE: APPROVAL
 REV: 0

FLOOR PLAN LEGEND

-  NEW WALLS
-  PAINT GRADE HOLLOW CORE INTERIOR SWING DOOR WITH ARCHITRAVES, JAMBS AND STOPS. PAINT FINISH
-  PAINT GRADE HOLLOW CORE (SOLID IN WETAREAS) INTERIOR CAVITY SLIDING DOOR WITH ARCHITRAVES AND JAMBS. PAINT FINISH



NEW DWELLING (VISITOR ACCOMMODATION)

6/4 BRIDVIEW PLACE, BRIDPORT TAS 7262

PROJECT NUMBER:
22068

SCALE: IF IN DOUBT ASK
SCALE @ A3

PRINT DATE:
5/07/2022




0.	ISSUE FOR DEVELOPMENT APPROVAL	**07.22
rev.	Amendment	Date
DRAWING No: A02		ISSUE: APPROVAL
3 of 7		REV: 0

PLANS TO BUILD

ABN 23 269 055 701
 Level 2, 93 York Street, Launceston
 Tasmania, 7250.
 Tel 6388 9287 Mob 0400 655 771
 Email leigh@planstobuild.com.au
L.M.DELL LIC. No. CC5932 G

Owner:
SHANE & LYDIA WAGER

FLOOR PLAN LEGEND

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UPPER GROUND FLOOR PLAN
SCALE 1:100

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6/4 BRIDVIEW PLACE, BRIDPORT TAS 7262

PROJECT NUMBER:
22068

SCALE: IF IN DOUBT ASK
SCALE @ A3

PRINT DATE:
5/07/2022

0.	ISSUE FOR DEVELOPMENT APPROVAL	**07.22
rev.	Amendment	Date
DRAWING No: A03		ISSUE: APPROVAL
4 of 7		REV: 0

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ABN 23 269 055 701
Level 2, 93 York Street, Launceston
Tasmania, 7250.
Tel 6388 9287 Mob 0400 655 771
Email leigh@planstobuild.com.au
L.M.DELL LIC. No. CC5932 G

Owner:
SHANE & LYDIA WAGER

ROOF PLAN NOTES

METAL SHEET ROOFING SHALL BE IN ACCORDANCE WITH PART 3.5.1. OF THE BCA. WHEREVER POSSIBLE HAVE THE SHEETS LAID SO THAT THE SIDE LAPS ARE FACING AWAY FROM THE PREVAILING WEATHER.

GUTTERS AND DOWNPIPES SHALL BE IN ACCORDANCE WITH PART 3.5.2 OF THE BCA. ALL DWV PVC DOWNPIPES TO BE JOINTED WITH APPROVED SOLVENT AND PRIMER. PAINT FINISH.

AN AUSTRALIAN STANDARD ROOF SAFETY MESH OR AN APPROVED ROOF SAFETY HARNESS OR RESTRAINT SYSTEM SHALL BE USED DURING INSTALLATION.

ROOF SHEETS MUST BE LAID WHEREVER POSSIBLE USING COMPLETE LENGTHS FROM RIDGES TO EAVES. SHEET METAL ROOF, CAPPINGS, FLASHINGS AND PENETRATIONS ARE TO COMPLY WITH PARTS 3.5.1.2 & 3.5.1.3 AND OF THE BCA.

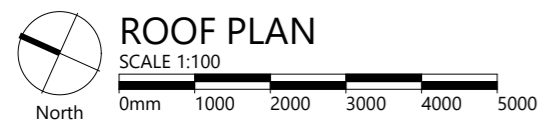
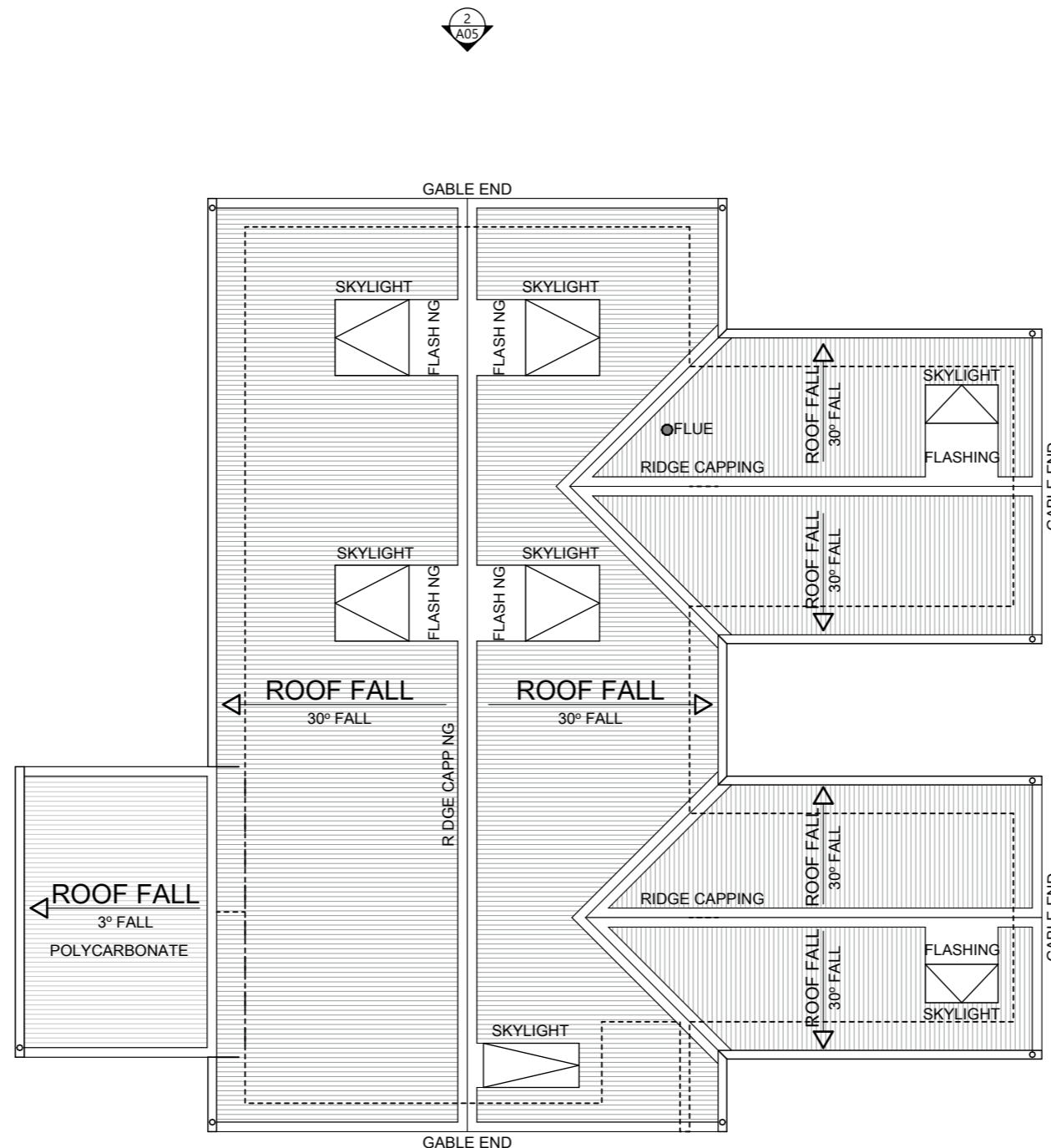
REFER TO ENGINEERS DETAILS FOR ROOF FRAMING. ENSURE THE ROOF SPACE IS VENTILATED AT THE RIDGE CAPPING AND VIA VENTS LOCATED AT THE EAVES.

ROOF BATTENS MUST BE FIXED IN ACCORDANCE WITH AS 1684.4 SECTION 9 TABLES 9.2 TO 9.7.

REFER TO INSULATION SCHEDULE FOR INSULATION REQUIREMENTS.

GUTTERS INSTALLED IN ACCORDANCE WITH PART 3.5.3 OF THE BCA, NCC. 1 IN 500 FALL.

BOX GUTTERS WITH 1 IN 100 FALL AND IN ACCORDANCE WITH AS/NZS 3500.3



NEW DWELLING (VISITOR ACCOMMODATION)

6/4 BRIDVIEW PLACE, BRIDPORT TAS 7262

PROJECT NUMBER:
22068

SCALE: IF IN DOUBT ASK
SCALE @ A3

PRINT DATE:
5/07/2022

0.	ISSUE FOR DEVELOPMENT APPROVAL	**07.22
rev.	Amendment	Date
DRAWING No: A04		ISSUE: APPROVAL
5 of 7		REV: 0

PLANS TO BUILD

ABN 23 269 055 701
 Level 2, 93 York Street, Launceston
 Tasmania, 7250.
 Tel 6388 9287 Mob 0400 655 771
 Email leigh@planstobuild.com.au
L.M.DELL LIC. No. CC5932 G

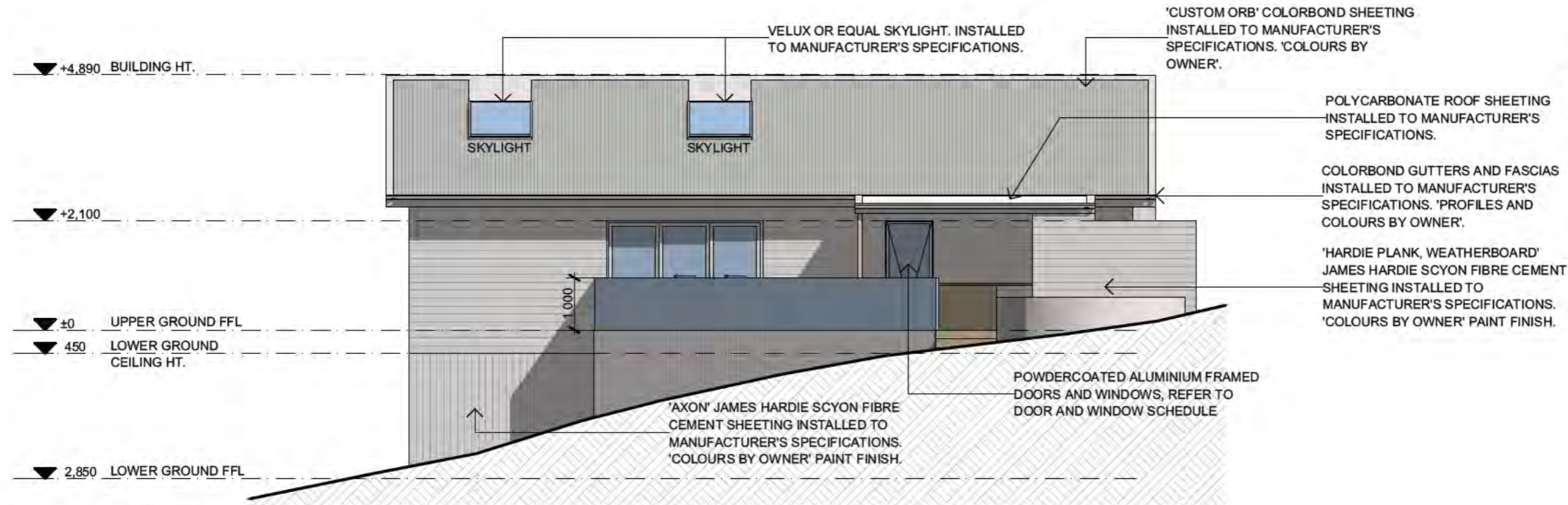
Owner:
SHANE & LYDIA WAGER

ELEVATION NOTES

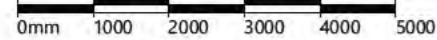
WALL CLADDING SYSTEMS MUST BE INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURERS DETAILS, INSTRUCTIONS & SPECIFICATIONS.

INSTALL THE WALL CLADDING SYSTEM COMPLETE WITH JOINTS, TRIMS, FLASHINGS, SEALS, FIXINGS & FINISHES IN STRICT ACCORDANCE WITH MANUFACTURERS DETAILS TO ENSURE A WEATHER PROOF AND WATERTIGHT INSTALLATION.

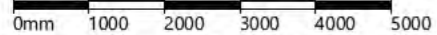
REFER TO GLAZING CALCULATOR FOR WINDOW & GLAZING DETAILS TYP.



1 NORTHERN ELEVATION
SCALE 1:100



2 EASTERN ELEVATION
SCALE 1:100



NEW DWELLING (VISITOR ACCOMMODATION)

6/4 BRIDVIEW PLACE, BRIDPORT TAS 7262

PROJECT NUMBER:
22068

SCALE: IF IN DOUBT ASK
SCALE @ A3

PRINT DATE:
5/07/2022

0.	ISSUE FOR DEVELOPMENT APPROVAL	**07.22
rev.	Amendment	Date
DRAWING No: A05		ISSUE: APPROVAL
6 of 7		REV: 0

PLANS TO BUILD

ABN 23 269 055 701
Level 2, 93 York Street, Launceston
Tasmania, 7250.
Tel 6388 9287 Mob 0400 655 771
Email leigh@planstobuild.com.au
L.M.DELL LIC. No. CC5932 G

Owner:
SHANE & LYDIA WAGER

ELEVATION NOTES

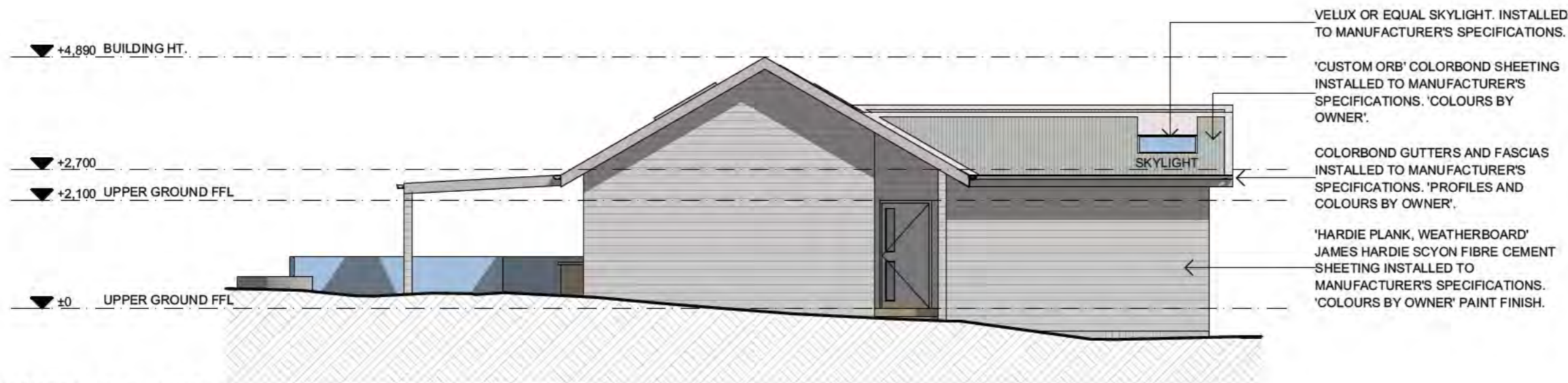
WALL CLADDING SYSTEMS MUST BE INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURERS DETAILS, INSTRUCTIONS & SPECIFICATIONS.

INSTALL THE WALL CLADDING SYSTEM COMPLETE WITH JOINTS, TRIMS, FLASHINGS, SEALS, FIXINGS & FINISHES IN STRICT ACCORDANCE WITH MANUFACTURERS DETAILS TO ENSURE A WEATHER PROOF AND WATERTIGHT INSTALLATION.

REFER TO GLAZING CALCULATOR FOR WINDOW & GLAZING DETAILS TYP.



1 SOUTHERN ELEVATION
SCALE 1:100
0mm 1000 2000 3000 4000 5000



2 WESTERN ELEVATION
SCALE 1:100
0mm 1000 2000 3000 4000 5000

PLANS TO BUILD

ABN 23 269 055 701
Level 2, 93 York Street, Launceston
Tasmania, 7250.
Tel 6388 9287 Mob 0400 655 771
Email leigh@planstobuild.com.au
L.M.DELL LIC. No. CC5932 G

Owner:
SHANE & LYDIA WAGER

0.	ISSUE FOR DEVELOPMENT APPROVAL	**07.22
rev.	Amendment	Date
DRAWING No: A06		ISSUE: APPROVAL
7 of 7		REV: 0

NEW DWELLING (VISITOR ACCOMMODATION)

6/4 BRIDVIEW PLACE, BRIDPORT TAS 7262

PROJECT NUMBER:
22068

SCALE: IF IN DOUBT ASK
SCALE @ A3

PRINT DATE:
5/07/2022

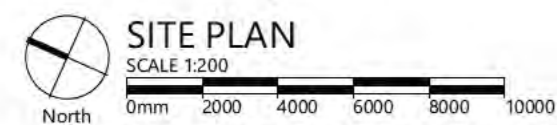
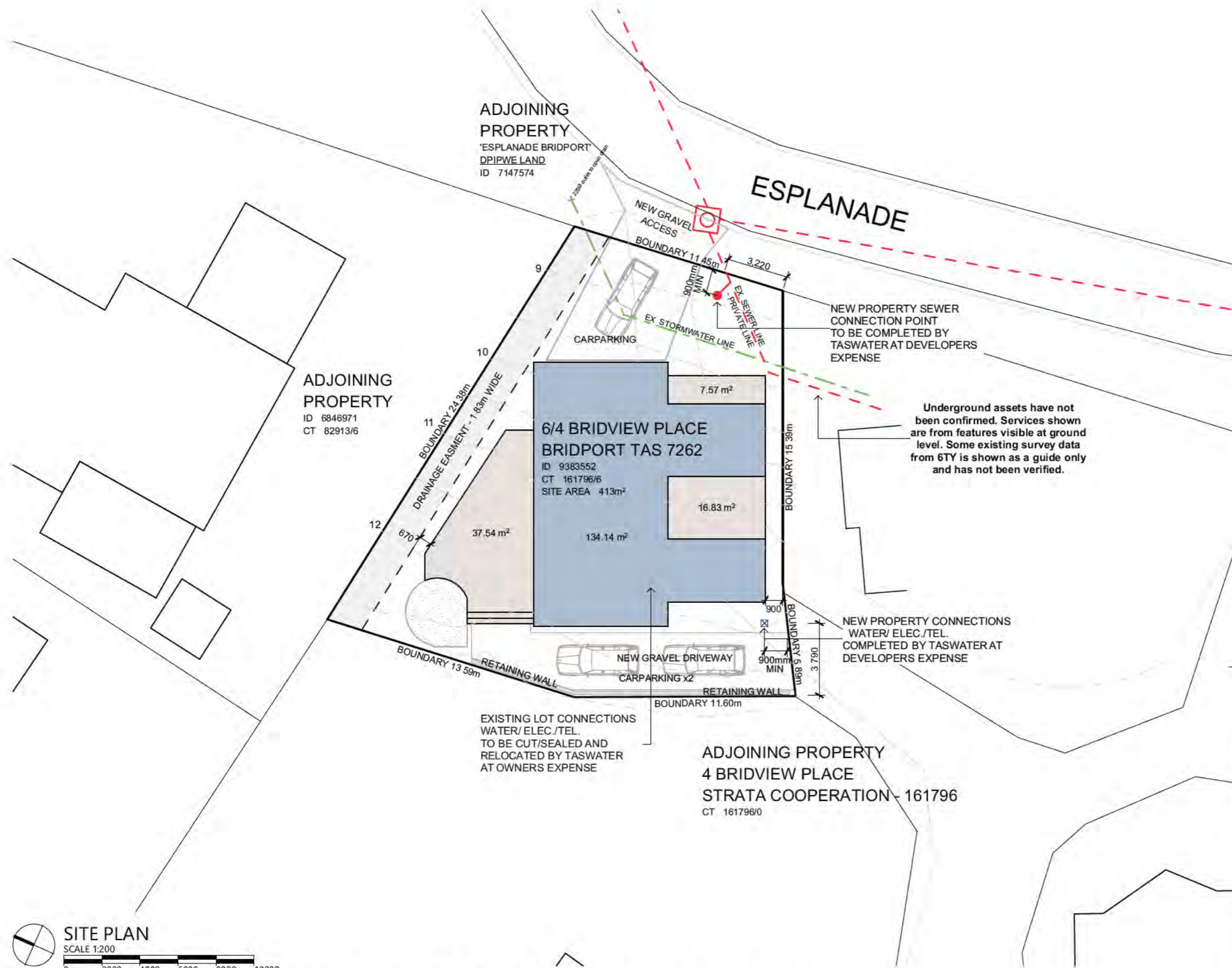
SITE PLAN NOTES

SURFACE AND SUBSURFACE DRAINAGE SYSTEMS
 IN ACCORDANCE WITH PART D2, NCC PLUMBING CODE OF AUSTRALIA VOLUME THREE THE DESIGN, CONSTRUCTION AND INSTALLATION OF A STORMWATER DRAINAGE SYSTEM MUST BE IN ACCORDANCE WITH AS/NZS 3500.3

SOIL AND WATER MANAGEMENT
 PRIOR TO THE COMMENCEMENT OF THE DEVELOPMENT WORKS THE APPLICANT OR BUILDER MUST INSTALL ALL NECESSARY SILT FENCES AND CUT OFF DRAINS TO PREVENT THE SOIL, GRAVEL AND OTHER DEBRIS FROM ESCAPING THE SITE. ADDITIONAL WORKS MAY BE REQUIRED ON COMPLEX SITES.

NO MATERIAL OR DEBRIS IS TO BE TRANSPORTED ONTO THE ROAD RESERVE (INCLUDING THE NATURE STRIP, FOOTPATH AND ROAD PAVEMENT). ANY MATERIAL THAT IS DEPOSITED ONTO THE ROAD RESERVE AS A RESULT OF THE DEVELOPMENT ACTIVITY IS TO BE REMOVED BY THE APPLICANT OR BUILDER.

THE SILT FENCING, CUT OFF DRAINS AND OTHER WORKS TO MINIMISE EROSION ARE TO BE MAINTAINED ON THE SITE UNTILL SUCH TIME AS THE SITE HAS REVEGETATED SUFFICIENTLY TO MITIGATE EROSION AND SEDIMENT TRANSPORT.



NEW DWELLING (VISITOR ACCOMMODATION)

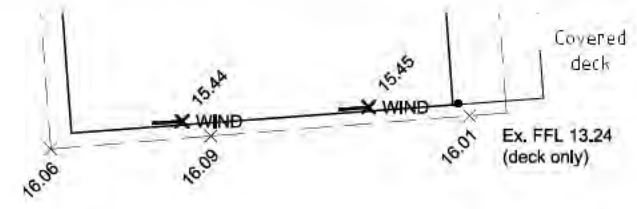
6/4 BRIDVIEW PLACE, BRIDPORT TAS 7262

PLANS TO BUILD
 ABN 23 269 055 701
 Level 2, 93 York Street, Launceston
 Tasmania, 7250.
 Tel 6388 9287 Mob 0400 655 771
 Email leigh@planstobuild.com.au
L.M.DELL LIC. No. CC5932 G

Owner:
SHANE & LYDIA WAGER

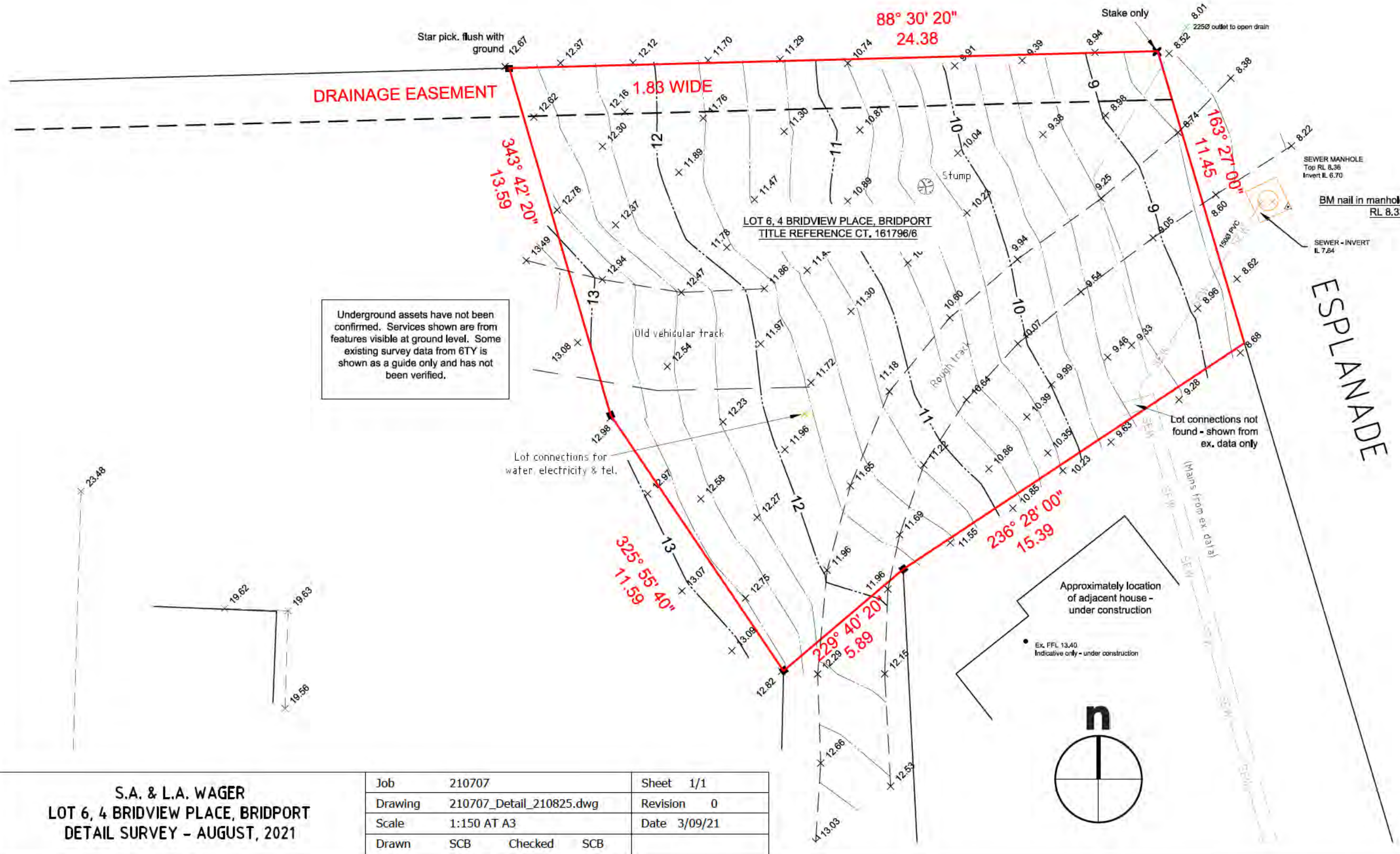
0.	ISSUE FOR DEVELOPMENT APPROVAL	08.08.22
rev.	Amendment	Date
DRAWING No: A01		ISSUE: APPROVAL
2 of 14		REV: 0

PROJECT NUMBER: 22068	SCALE: IF IN DOUBT ASK SCALE @ A3	PRINT DATE: 17/10/2022
---------------------------------	---	----------------------------------



- notes:
1. This note forms an integral part of the survey data and should be read in conjunction with any use or presentation of the data.
 2. Survey undertaken 25/08/21.
 3. The purpose of the survey is for residential dwelling design and should not be used for any other purpose.
 4. Location: Lot 6, 4 Bridview Place, Bridport
 5. Title reference: CT, 161796/6
 6. Underground assets not located.
 7. Radian Surveying accepts no responsibility for any loss or damage caused by interference with, or conflicting design over, underground services, whether shown in this data, or not.
 8. Coordinate datum plane based on MGA2020 coords at TBM Nail in MH.
 9. Bearings are per SP4743 data supplied by 6TY.
 10. Level datum AHDB3 per SmartNet GNSS connection to SPM 9348 (RL 8.392).
 11. Contour interval 0.25m, index interval 1.00m.
 12. Boundaries & easements compiled only from Strata Plan no. STR, 161796 & subject to remark survey where proposed works are close to, or along boundaries.
 13. Adjoining house levels to ridge lines, gutter heights or top of window openings where shown.

radian surveying pty. ltd.
 p. 0407 152 366
 e | admin@radiansurveying.com.au
 w | radiansurveying.com.au
 po box 7529 launceston tas 7250



Underground assets have not been confirmed. Services shown are from features visible at ground level. Some existing survey data from 6TY is shown as a guide only and has not been verified.

Job	210707	Sheet	1/1
Drawing	210707_Detail_210825.dwg	Revision	0
Scale	1:150 AT A3	Date	3/09/21
Drawn	SCB	Checked	SCB

S.A. & L.A. WAGER
 LOT 6, 4 BRIDVIEW PLACE, BRIDPORT
 DETAIL SURVEY - AUGUST, 2021

Thomas Wagenknecht

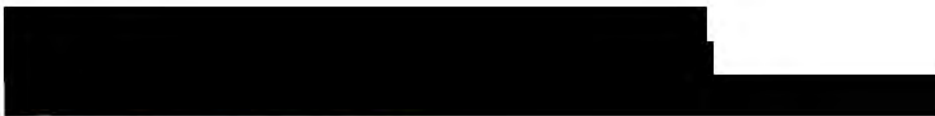
From: Carly Hall
Sent: Wednesday, 5 October 2022 5:07 PM
To: 'TasWater Development Mailbox'
Subject: PLA/2022/135 - Visitor Accommodation (1 Unit) - 6/4 Bridview Place Bridport and reliance upon vehicle access through (i)Strata Corp 161796 4 Bridview Place Bridport and F/R 10517/3 Bridview Place Bridport and
Attachments: A3 Submitted Plans - Visitor Accommodation (1 Unit) - Wager - 6-4 Bridvi....pdf; Valid Application Forms - 6-4 Bridview Place Bridport.pdf

Good Afternoon

Please find attached planning application PLA/2022/135 - Visitor Accommodation (1 Unit) at 6/4 Bridview Place Bridport and reliance upon vehicle access through (i)Strata Corp 161796 4 Bridview Place Bridport and F/R 10517/3 Bridview Place Bridport and (ii) Crown Land Esplanade Bridport and F/R 165691/1 Main Street Bridport.

If you require any more information please do not hesitate to get in touch.

Kind Regards



3 Ellenor Street Scottsdale 7260



Elizabeth George



21 October 2022

General Manager
Dorset Council
P O Box 21
Scottsdale TAS 7260

RE. Planning Application DA No: 2022/135 for 6/4 Bridview Place Bridport

Dear Sir,

I object to **access through Crown Land Esplanade Bridport and F/R 165691/1 Main Street Bridport**. This is a narrow, unsealed, badly deteriorating track that has numerous potholes and an uneven surface. It currently services the access to two homes and the owners currently work collaboratively to maintain this track. I don't believe this road to be suitable for the needs of "visitor accommodation" as proposed by the applicant. There is insufficient room for vehicles to turn around. Visitor accommodation will mean a dramatic increase in vehicular traffic and further deterioration of the poor state of the road. Who will be responsible for maintaining this part of the track? The applicant? Dorset Council?

I believe that access to this proposed visitor accommodation should be via Bridview Place **only**.

Yours sincerely,

Elizabeth George

L & N Keleher

[REDACTED]

Bridport.

Dear Thomas,

We would like to submit a representation against the planning application PLA/2022/135 on the below grounds, that will impact on the shared Crown owned Esplanade.

We have a lease on the Esplanade along with Ms Althea Bignell, we do all the maintenance of the road, which needs to be done on a regular basis, based on the number of vehicles that currently use the road.

The road is not wide enough for vehicles to pass, or turn around, which leads to many cars entering our property, this happened as recently as 16/10/22 and the vehicle hit our dog. We have approached Crown Land to gain approval to widen the road, put in passing bays, of which were refused.

If access is given to the applicant, this will enable them to use the road during construction of the dwelling, this cause's great concern for us as we will be either blocked in or out of our property for significant lengths of time, and this is totally unacceptable. The trucks that will be required for delivering materials etc. will not be able to enter the property as there is a large ditch that runs along the western side of the road, this will then lead to these vehicles driving down to our property which is the last on the road to turn around, and once again this is unacceptable. Ideally all traffic during construction should go through their actual address which is off Bridview Place.

With the proposed dwelling being a STA this will add even further to the volume of cars using the road, also with the being a business as such and generating an income and increased use of the road, we believe it is only fair that the owner be responsible for all costs associated with maintaining the section of road from Main Street to the entrance of their property, approximately 100-150 metres in length. We would be agreeable to the upkeep of the balance.

Initially there was only a small amount of traffic using the road which was acceptable to Crown, however that has increased over the years, Crown will not do any maintenance of the road, nor will Council as it is not their road. Costs are becoming unsustainable and will rise significantly with increased usage.

We would appreciate if council consider all concerns when dealing with this application.

Kindest Regards

Lisa and Nathan Keleher.



dorset
C O U N C I L

Our Ref: 2022/135 76570 9383552
24 October 2022

Mrs L A Wager



ABN 68 027 137 155
3 Ellenor Street
Scottsdale Tasmania
PO Box 21 Scottsdale
Tasmania 7260

T 03 6352 6500
F 03 6352 6509
E dorset@dorset.tas.gov.au
dorset.tas.gov.au



Dear Mrs L A Wager

Extension of Time Request (PLA2022/135)

Visitor Accommodation (1 Unit)

6/4 Bridview Place BRIDPORT and Reliance upon vehicle access through (i) Strata corporation number 161796 4 Bridview Place Bridport and F/R 10517/3 Bridview Place Bidport and (ii) Crown Land Esplanade Bridport and F/R 165691/1 Main Street Bidport

It is acknowledged that additional time is going to be required to ensure Council can undertake satisfactory assessment of your application for the above, including a recommendation presented to Council at the 21st of November Council Meeting in Bridport.

As such, Council must request an extension of time in accord with Section 57(6A) of the *Land Use Planning and Approvals Act 1993*. To this end, Council would request an extension of time to 22/11/2022.

Please confirm your agreement to this request for an extended period of time by signing the applicable section below.

Yours faithfully

THOMAS WAGENKNECHT
Town Planner

I, Lydia Wager, confirm that I agree to this request by Dorset Council for an extension of time to the planning assessment timeframe of the abovementioned planning application.

Signature: LW

Thomas Wagenknecht

From: Council Referrals [REDACTED]
Sent: Friday, 14 October 2022 1:11 PM
To: Carly Hall
Subject: RE: PLA/2022/135 - Visitor Accommodation (1 Unit) - 6/4 Bridview Place Bridport and reliance upon vehicle access through (i) Strata Corp 161796 4 Bridview Place Bridport and F/R 10517/3 Bridview Place Bridport and CN22-192294
Attachments: A3 Submitted Plans - Visitor Accommodation (1 Unit) - Wager - 6-4 Bridvi....pdf; Valid Application Forms - 6-4 Bridview Place Bridport.pdf

Hi Carly

Thank you for your email on 5 October 2022 referring the abovementioned development.

Based on the information provided, the development is not likely to adversely affect TasNetworks' operations.

It is recommended that the developer contact TasNetworks on 1300 137 008 if they have any questions regarding any upgrades they may require to their electricity supply due to this development.

Regards



Megan Loftus
Connections Advisor
Customer Connections Team

[REDACTED]
1 Australis Dr, Rocherlea 7248
PO Box 419, Launceston TAS 7250

www.tasnetworks.com.au



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From: Carly Hall [REDACTED]
Sent: Wednesday, 5 October 2022 5:07 PM
To: Council Referrals [REDACTED]
Subject: PLA/2022/135 - Visitor Accommodation (1 Unit) - 6/4 Bridview Place Bridport and reliance upon vehicle access through (i) Strata Corp 161796 4 Bridview Place Bridport and F/R 10517/3 Bridview Place Bridport and CN22-192294

WARNING: This email originated from an **EXTERNAL** source. Please do not click links, open attachments or reply unless you recognise the sender and know the content is safe.

Good Afternoon

Please find attached planning application PLA/2022/135 - Visitor Accommodation (1 Unit) at 6/4 Bridview Place Bridport and reliance upon vehicle access through (i)Strata Corp 161796 4 Bridview Place Bridport and F/R 10517/3 Bridview Place Bridport and (ii) Crown Land Esplanade Bridport and F/R 165691/1 Main Street Bridport.

If you require any more information please do not hesitate to get in touch.

Kind Regards

Carly Hall | Administration Officer | Dorset Council



3 Ellenor Street Scottsdale 7260



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For more information please visit <http://www.symanteccloud.com>

Request for Additional Information

For Planning Authority Notice

Council Planning Permit No.	PLA/2022/135	Application date	05/10/2022
TasWater details			
TasWater Reference No.	TWDA 2022/01635-DC	Date of response	12/10/2022
TasWater Contact	Jake Walley	Phone No.	██████████
Response issued to			
Council name	DORSET COUNCIL		
Contact details	development@dorset.tas.gov.au		
Development details			
Address	6/4 BRIDVIEW PL, BRIDPORT	Property ID (PID)	9383552
Description of development	Visitor Accommodation (1 Unit)	Stage No.	
Additional information required			
<p>Additional information is required to process your request. To enable assessment to continue please submit the following:</p> <ol style="list-style-type: none"> 1. Please provide a concept servicing plan for water & sewer services which shows the following: <ol style="list-style-type: none"> a. The exact location of the existing property water & sewer connections. b. The required location of property water & sewer connections accurately dimensioned relative to the existing boundaries noting that: <ol style="list-style-type: none"> i. One sewer and one water property service connection must be provided. ii. The property water service must be sized appropriately and located just inside the property boundary at the road frontage in accordance with the standard property connection details contained in TasWater's Water Metering Guidelines. iii. The sewer property service connection must be sized appropriately and must be located at the low point of the lot just inside the property boundary. iv. Redundant connections must be shown to be cut and sealed. 			
Advice			
<p>Service Locations</p> <p>Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.</p> <ul style="list-style-type: none"> • A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater • TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit www.taswater.com.au/Development/Service-location for a list of companies • Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council. <p>To view our assets, all you need to do is follow these steps:</p> <ol style="list-style-type: none"> 1) Open up webpage - http://maps.thelist.tas.gov.au/listmap/app/list/map 2) Click 'Layers' 3) Click 'Add Layer' 4) Scroll down to 'Infrastructure and Utilities' in the Manage Layers window, then add the appropriate layers. 			

- 5) Search for property
- 6) Click on the asset to reveal its properties

TASWATER CONTACT DETAILS

Email	development@taswater.com.au	Web	www.taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001		

Request for Additional Information

For Planning Authority Notice

Council Planning Permit No.	PLA/2022/135	Application date	05/10/2022
TasWater details			
TasWater Reference No.	TWDA 2022/01635-DC	Date of response	25/10/2022
TasWater Contact	Jake Walley	Phone No.	██████████
Response issued to			
Council name	DORSET COUNCIL		
Contact details	development@dorset.tas.gov.au		
Development details			
Address	6/4 BRIDVIEW PL, BRIDPORT	Property ID (PID)	9383552
Description of development	Visitor Accommodation (1 Unit)	Stage No.	
Additional information required			
<p>Additional information is required to process your request. To enable assessment to continue please submit the following:</p> <ol style="list-style-type: none"> Multiple/Individual strata property connections to TasWater's sewer main and water main are not permitted. TasWater's standard is one sewer connection and one water connection per property title. The design shown on plan A01 must be re-designed in order to satisfy this requirement. <i>Advice: Due to this being an existing strata development, there should already be a sewerage connection and water connection available.</i> 			
Advice			
<p>Service Locations</p> <p>Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.</p> <ul style="list-style-type: none"> A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit www.taswater.com.au/Development/Service-location for a list of companies Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council. <p>To view our assets, all you need to do is follow these steps:</p> <ol style="list-style-type: none"> Open up webpage - http://maps.thelist.tas.gov.au/listmap/app/list/map Click 'Layers' Click 'Add Layer' Scroll down to 'Infrastructure and Utilities' in the Manage Layers window, then add the appropriate layers. Search for property Click on the asset to reveal its properties 			

TASWATER CONTACT DETAILS			
Email	development@taswater.com.au	Web	www.taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001		

Submission to Planning Authority Notice

Council Planning Permit No.	PLA/2022/135	Council notice date	05/10/2022
TasWater details			
TasWater Reference No.	TWDA 2022/01635-DC	Date of response	02/11/2022
TasWater Contact	Jake Walley	Phone No.	0467 625 805
Response issued to			
Council name	DORSET COUNCIL		
Contact details	development@dorset.tas.gov.au		
Development details			
Address	6/4 BRIDVIEW PL, BRIDPORT	Property ID (PID)	9383552
Description of development	Visitor Accommodation (1 Unit)		
Schedule of drawings/documents			
	Prepared by	Drawing/document No.	Revision No.
		Date of Issue	
Plans To Build	22068 Site Plan A01	1	26/10/2022
Conditions			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p>CONNECTIONS, METERING & BACKFLOW</p> <ol style="list-style-type: none"> 1. A suitably sized water supply with metered connection and sewerage system and connection to the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit. 2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost. 3. Prior to commencing construction/use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater. <p>DEVELOPMENT ASSESSMENT FEES</p> <ol style="list-style-type: none"> 4. The applicant or landowner as the case may be, must pay a development assessment fee of \$226.71 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater. <p>The payment is required within 30 days of the issue of an invoice by TasWater.</p>			

Advice

Water Submetering

As of July 1 2022, TasWater's Sub-Metering Policy no longer permits TasWater sub-meters to be installed for new developments. Please ensure plans submitted with the application for Certificate(s) for Certifiable Work (Building and/or Plumbing) reflect this. For clarity, TasWater does not object to private sub-metering arrangements. Further information is available on our website (www.taswater.com.au) within our Sub-Metering Policy and Water Metering Guidelines.

General

For information on TasWater development standards, please visit <https://www.taswater.com.au/building-and-development/technical-standards>

For application forms please visit <https://www.taswater.com.au/building-and-development/development-application-form>

Service Locations

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.

- (a) A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater.
- (b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit www.taswater.com.au/Development/Service-location for a list of companies.
- (c) Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.

Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

TasWater Contact Details

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

Managing large woody debris (LWD) in waterways

- Leave LWD undisturbed unless it can be demonstrated that it is causing serious flooding or erosion.
- If local flooding caused by LWD is shown to be detrimental, but full-scale removal cannot be justified on either economic or ecological grounds, re-positioning of LWD may be an option.
- Extensive loss of riparian and floodplain vegetation has removed the source of LWD found in many waterways. Re-introducing LWD can help improve stream water quality, erosion protection and habitat diversity.

Managing riparian vegetation

- Protecting existing riparian zones in good condition is easier than remediation of degraded sites.
- Managing stock access to waterways by fencing is a key step in maintaining healthy riparian vegetation.
- Removal of weeds must be done in a planned manner.
- Riparian zone width should reflect management objectives.

Community involvement in works

- Community groups should seek advice and support from council before undertaking works.
- While smaller works may just require a work plan, larger scale works require a proper Rivercare Plan.

Role of local government

Local government has the power under the *Land Use Planning and Approvals Act 1993* to regulate works on waterways and wetlands. Councils are taking an active role in their management for a variety of reasons:

- infrastructure protection
- flood mitigation
- community expectations
- maintaining river health
- bio-diversity issues
- preserving existing uses (e.g. drinking water), and
- providing options for future resource use.

Successfully achieving these outcomes requires a planning and works approach utilising environmental best practice combined with effective on-going management and maintenance arrangements.

Waterways & Wetlands Works Manual

To support councils in the management of waterways and wetlands, DPIWE in partnership with the LGAT and supported by NHT funding has compiled the *Waterways & Wetlands Works Manual*.

The *Manual* is a set of eight documents (plus *Introduction* document) with information on environmental best practice requirements covering the following areas:

1. *Legislative and policy requirements for protecting waterways & wetlands when undertaking works*
2. *Environmental best practice guidelines: construction practices in waterways & wetlands*
3. *Environmental best practice guidelines: excavating in waterways.*
4. *Environmental best practice guidelines: minimising environmental harm from agricultural drainage channels*
5. *Environmental best practice guidelines: siting and design stream crossings.*
6. *Environmental best practice guidelines: managing large woody debris in waterways.*
7. *Environmental best practice guidelines: managing riparian vegetation*
8. *Environmental best practice guidelines: guiding community involvement in works on waterways & wetlands*

The *Manual* will be of use to anyone intending to undertake works in waterways and wetlands. It should always be used in conjunction with appropriate technical advice and, where necessary, utilising additional technical literature.

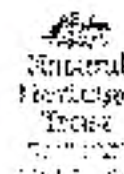
The *Manual* can be downloaded from the DPIWE website <http://www.dpiwe.tas.gov.au>



WATERWAYS & WETLANDS ~ WORKS MANUAL ~

Environmental Best Practice Guidelines when undertaking Works on Waterways & Wetlands in Tasmania

How to minimise the risk of environmental harm when undertaking works on waterways & wetlands.



Protecting our waterways & wetlands

Healthy waterways and reliable supplies of good quality water are critical to Tasmania's future. Our state has extensive water resources with approximately 150,000 kilometres of waterways and over 8,000 wetlands.

Waterways are natural depressions, consisting of a defined channel with a bed and banks, that carry perennial or intermittent flows of surface water for all or part of the year. Any land that adjoins, directly influences or is influenced by a body of water (ie riparian land) should be regarded as part of the waterway.

Wetlands are depressions in the landscape or areas of poor drainage that hold water derived from ground water and surface water run-off and support plants adapted to partial or full inundation. Wetlands are usually associated with standing water but they can be part of a waterway or an adjoining marsh or billabong. Wetlands are not always wet. Temporary wetlands may dry out on a seasonal or less regular basis.

Works as a 'threatening process'

Works on waterways and wetlands in Tasmania are routinely undertaken by state and local government, industry, farmers, and community groups. These works include:

- modifying and diverting stream channels
- constructing weirs, levees and drainage lines on farms
- stream crossings for roads, pipelines and other utilities
- clearing large woody debris and riparian vegetation

These activities may have unintended consequences:

- severely degraded stream health
- threaten survival of native flora and fauna
- put at risk in-stream structures (bridges, culverts etc.)
- threaten essential service delivery or increase cost of supply (eg drinking water supplies)
- in extreme cases, cause danger to human life

Waterways and wetlands are complex and dynamic ecosystems. The impacts of works programs may extend over large distances upstream and downstream and persist over long timeframes. Badly conceived & implemented projects are expensive, fail to achieve outcomes, and can have serious environmental (and financial) consequences.

Environmental best practice

The risk of environmental harm from works can be minimised by complying with environmental best practice requirements outlined in the *Tasmanian Waterways & Wetlands Works Manual*. Key best practice requirements include:

Appropriate authorisation of works

- Works approval may be required at local, state or commonwealth government level. Advice should be sought from council or DPIWE before starting works.

Expert advice sought

- Expert input and a site briefing before starting works.

Works plan prepared

- A plan outlining works to be undertaken and measures to minimise environmental harm.

Low risk construction practices

- Contractors and plant operators are aware of, and adopt, best practice requirements.
- A sediment and erosion control plan in place.
- Contaminants are kept out of waterways.
- The works site is stabilised and rehabilitated.

"Works in waterways and wetlands can have unwanted consequences..."



Bed and bank excavation in waterways

- Avoid excavating at high risk sites. Assess whether it is a 'high risk' works site, eg likely to cause flooding, bank erosion, bed degradation or initiate headward erosion, where a bridge is close by, threatened species are present etc.
- Gain an understanding of the works site and river system of which it is a part through desktop & field surveys.
- Choose appropriate stream bed/bank control structures.
- Reapply natural stream geometry, materials and habitat.
- Preserve riparian vegetation for bank stability.
- Avoid developments on flood prone areas which will require the construction of levee banks.

Developing agricultural drainage channels

- Assess suitability of site for drainage - soil type, hydrological and hydraulic characteristics, etc..
- Design and construct drainage channels to reduce risk of erosion and minimise stormwater sediment loads.
- Install channel outlet structures to prevent drainage flows eroding stream bed/banks when entering waterways.
- Regularly inspect drains. Include stock, weed and erosion control in maintenance programs.

Siting and design of stream crossings: bridges, culverts, fords, causeways & stock-crossings

- Explore all alternatives to the construction of a new crossing. Use existing crossings wherever possible.
- When selecting structure type, use the following order of preference to minimise environmental impacts – bridge, arch culvert, open-bottom box culvert, closed bottom box culvert, pipe culvert.
- Maintain the natural flow regime by avoiding or minimising changes to channel form and flow volume.
- Avoid 'perched culverts' which have an outlet more than 10 cm above the level of downstream waters.
- Minimise disturbance to streambank soil and vegetation.
- Ensure adequate erosion control on approach roads.
- Regulate stock access to waterways.

Environmental Best Practice Guidelines 1.

Legislative and Policy Requirements for Protecting Waterways and Wetlands when Undertaking Works

There is a raft of legislative and policy instruments which do have, or may have, some bearing upon the regulation of works undertaken within our wetlands and waterways. This document provides a brief outline of these regulatory requirements. Best professional judgement should be used by local government personnel in determining their applicability to individual cases. Where required, further advice on interpretation and implementation is available from the nominated agencies.

1. Legislation and policy

Tasmanian Resource Management and Planning System (RMPS)

Tasmania's RMPS is an integrated planning and environmental management framework to achieve sustainable outcomes from the use or development of the State's natural and physical resources. Sustainable development means

...managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while -

(a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and

(c) avoiding, remedying or mitigating any adverse effects of activities on the environment.
(Clause 2, Schedule 1, Land Use Planning and Approvals Act 1993)

Local government must ensure that planning and environmental decisions within its jurisdiction promote sustainable development of water resources.

Land Use Planning and Approvals Act 1993 (LUPAA 1993)

Local government regulates land use and development through planning schemes and a planning permit system. Planning schemes must seek to further the RMPS objectives and must be prepared in accordance with state policies (the State Policy on Water Quality Management 1997 being the key policy for wetlands & waterways). These requirements are achieved in some recent planning schemes through incorporation of a Wetlands & Waterway Schedule which specifies the objectives and standards for development in, or near, wetlands and waterways. Provisions in older planning schemes that predate, and are inconsistent with, a State Policy are void to the extent of any inconsistency.

Local government must observe, and enforce the observance of, the planning scheme in respect of all use or development undertaken within the area covered by the scheme.

"development" under LUPAA 1993 includes

... (c) the construction or carrying out of works; ...

"works" includes

...any change to the natural or existing condition or topography of land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil, but does not include forest practices, as defined in the Forest Practices Act 1985, carried out in State forests.

where "land" includes

(a) buildings and other structures permanently fixed to land; and

(b) land covered with water; and

(c) water covering land; ...

A planning permit is required before commencement of any use or development which, under the provisions of a planning scheme, requires planning approval. The approvals process must ensure that land-use and environmental effects arising from the use or development do not conflict with planning scheme requirements (including development standards such as those contained within the Wetlands & Waterway Schedule), state policies, or environmental regulations.

Examples of uses and developments that may require a planning permit include works in wetlands and waterways that involve:

- stormwater and erosion control
- clearing of debris and vegetation from streams and stream banks
- development of drainage and riverworks schemes (not routine maintenance)
- stream channel modifications
- roads and pipeline stream crossings
- structures such as pump stations on banks
- off-stream storages of less than 1ML
- works ancillary to dam construction such as access roads (not dams themselves).

Variations exist between individual planning schemes as to what activities are considered to be exempt from the requirement to obtain a planning permit. Some specified activities are exempt in all planning schemes - i.e. most dam construction and routine operational & maintenance works undertaken by water entities - due to the operation of other legislation.

Local Government Act 1993 (LGA 1993)

Works in wetlands and waterways may be subject to council requirements as detailed in council by-laws and/or abatement notices.

A council has a general power under Part 11 of the LGA 1993 to make by-laws in respect of any act, matter or thing for which a council has a legislated function or power. By-laws may include activities such as the execution of works in watercourses and riparian zones, requiring such works to be undertaken by an appropriately qualified person in the manner specified by council.

Abatement notices can also be issued by council where it is satisfied that a nuisance exists. These notices detail actions that need to be taken and the timeframes for implementation. Under section 199 of the Act, a nuisance includes anything that causes, or is likely to cause, danger or harm to the health, safety or welfare of any person; a risk to public health; or an activity that gives rise to unreasonable or excessive levels of pollution in waterways. Penalties exist for non-compliance with by-laws and abatement notices.

Environmental Management & Pollution Control Act 1994 & Regulations 1996

Local government authorities are responsible for any necessary environmental regulation of smaller scale activities and

...must use its best endeavours to prevent or control acts or omissions which cause or are capable of causing pollution (Section 20).

An environmental protection notice can be served on the responsible person where the council officer is satisfied that in relation to an environmentally relevant activity

- (a) *environmental harm is being or is likely to be caused (where environmental harm is any adverse effect on the environment of whatever degree or duration and includes an environmental nuisance); or*
- (b) *environmental harm has occurred and remediation of that harm is required; or*
- (c) *it is necessary to do so in order to give effect to a State Policy or an environment protection policy; or*
- (d) *it is desirable to vary the conditions of a permit; or*
- (e) *it is necessary to secure compliance with the general environmental duty (Section 44)*

The environmental protection notice can require specified measures to be taken (including best practice environmental management) to prevent, control, reduce or remediate environmental harm. In terms of compliance with the general environmental duty, section 23A requires that:

A person must take such steps as are practicable or reasonable to prevent or minimise environmental harm or environmental nuisance caused, or likely to be caused, by an activity conducted by that person.

In determining whether a person has complied with the general environmental duty, regard must be had to all the circumstances of the conduct of the activity, including but not limited to

- (a) the nature of the harm or nuisance or potential harm or nuisance; and*
- (b) the sensitivity of the environment into which a pollutant is discharged, emitted or deposited; and*
- (c) the current state of technical knowledge for the activity; and*
- (d) the likelihood and degree of success in preventing or minimising the harm or nuisance of each of the measures that might be taken; and*
- (e) the financial implications of taking each of those measures.*

While this legislation provides mechanisms for the protection of wetlands and waterways from environmental harm, it is worth noting that environmental impacts may only become evident several years down the track and at locations remote from the original works. There may not always be clear and unambiguous links between the activity and the environmental consequences. In such cases, the issue of an environmental protection notice may not be appropriate. A preferred approach may be the provision of practical advice to those undertaking works and dissemination of best practice guidelines on how to minimise the environmental impacts. For further information contact the Environment Division of DPIWE.

Crown Lands Act 1976 (CLA 1976)

Crown Land Services (CLS) manages crown lands under licence, lease or being held for sale. CLS facilitates the assessment within the State Government of all applications for crown land use, including the private use of reserved lands under both the CLA 1976 and the National Parks and Wildlife Act 1970. This covers new developments such as weirs, channel modification, Telstra services, roads, pump stations or other structures on banks. Such developments are, however, still subject to LUPAA 1993 requirements. No works can commence until all approvals are received from CLS and, depending on the local planning scheme, the relevant council. In some cases riparian reserves may be leased back to local government to manage. Prior to undertaking any activities likely to disturb flora or fauna on crown land, authority is required from the local ranger.

National Parks and Wildlife Act 1970 (NP&WA 1970)

The Parks & Wildlife Service has responsibility for the on-ground management of all public reserves under both the CLA 1976 and the NP&WA 1970. Recent amendments to LUPAA 1993 (to be proclaimed) will require developments and certain activities conducted on lands reserved under the NP&WA 1970 to be subject to local government planning approval. As the local Parks District have the key role in enforcing regulations and in developing and implementing management plans, they are the appropriate first point of contact when planning to undertake works on wetlands or waterways likely to affect public reserves.

Water Management Act 1999 (WMA 1999)

The Assessment Committee for Dam Construction (ACDC) regulates the construction of all on-stream dam construction and all off-stream storages larger than 1 ML. As stated above, a permit granted by the ACDC under this Act negates any need for a permit for the same works under LUPAA 1993. For dam proposals a Regional Water Management Officer completes a dam assessment report based on guidelines for issues such as dam safety, environmental impact, geo-heritage, threatened species, aboriginal and cultural heritage and fish passage. A water licence is also required from DPIWE to store water behind this structure where water usage is not covered under stock or riparian rights. Water diversion works and activities are, in most cases, regulated under the Act.

The creation of water districts and the development of riverworks or drainage schemes for purposes such as channel modification, bank protection or removal of flow obstructions, requires Ministerial approval under the Act. The Minister is required to consult with the Director of Environmental Management. Subject to the requirements of the local planning scheme, development approval may also be required from council. A permit is not required, however, for works undertaken in the normal course of their operation.

A water entity administering a water management plan or a water district is not required to hold a permit for any activities which are -

- (a) necessary for the operation, maintenance, repair, minor modification, upgrading or replacement of existing works managed or owned by that water entity and will not cause environmental nuisance, material environmental harm, serious environmental harm or result in an increased risk to human life; or*
- (b) required urgently to protect persons from injury or those works from damage so long as the activities will not cause serious environmental harm. (Section 185).*

Where these activities have resulted in material environmental harm or serious environmental harm, the Minister under this Act may serve notice on the water entity directing it to rectify the effects of the activity.

The point of contact for activities covered by the WMA 1999 will generally be the Regional Water Management Officer, Water Resources Division DPIWE.

State Policy on Water Quality Management 1997

Local councils are responsible under the RMPS for the prevention or control of pollution in surface water by activities within their jurisdiction which are not level 2 or level 3 activities. The Policy applies to surface waters and groundwaters and details a range of mechanisms for the control of point source and diffuse source pollutants.

The development and implementation of best practice environmental management strategies are seen as the key principle for control of diffuse source pollution. Regulatory authorities should take account of the application of such codes when considering enforcement action under legislation in areas such as agricultural and urban run-off, forestry, road construction and other forms of land disturbance. Section 39.2 of the Policy states

Regulatory authorities shall develop criteria for the approval of stream management works and require that any such works are designed and carried out in accordance with best practice environmental management and so as not to prejudice the achievement of water quality objectives.

All works must comply with the requirements of the State Policy. Further information on implementing the Policy can be obtained from the Environment Division of DPIWE.

Inland Fisheries Act 1995

The focus of this Act is on maintaining fish passage & protection of fish habitat. Section 126 prohibits the flow into inland waters containing fish any "liquid, gaseous or solid matter" likely to harm fish or spawning grounds or food - this would include sediment. Section 139 states that a person must not place or use in any inland waters any equipment, instrument or device likely to hinder or obstruct the free passage of fish in those waters, without the written consent of the Director of Inland Fisheries. Sections 154 & 155 enable the creation of fauna reserves within inland waters and the placement of restrictions upon activities within such reserves. For further information contact the Inland Fisheries Service.

Forest Practices Act 1985 & Forest Practices Regulations 1997

The Forest Practices Act 1985 and Forest Practices Regulations 1997 cover the environmental regulation of forestry operations on public and private land and are administered by the Forest Practices Board. Forestry activities must comply with the requirements of the Forest Practices Code 2000 and may require a Forest Practices Plan. Streamside reserves, drainage lines and swamps are defined as 'vulnerable land' and generally forest clearing is prohibited, even where no commercial wood is produced. Circumstances in which harvesting or clearing is allowed are detailed in *Environmental Best Practice Guidelines 7: Managing Riparian Vegetation*.

Forestry activities within State forests and Private Timber Reserves do not require a permit from local government. However, non-forestry related activities affecting waterways remain subject to planning scheme requirements. The relevant point of contact for further information is the Forest Practices Board.

Threatened Species Protection Act 1995

Section 51 makes it an offence to knowingly take, destroy, injure, trade, keep or disturb listed flora or fauna without a permit. The Act allows the Minister to make an interim protection order to conserve the habitat, or part of the habitat, of a listed or nominated taxon of flora or fauna on either private or crown land. Interim protection orders prevail over planning schemes and can incorporate the prohibition or regulation of any activity likely to affect the habitat adversely.

Threatened species gain this status because their abundance, range or habitat has been reduced or threatening process are occurring likely to result in population reduction. In Tasmania there are 14 species of freshwater plants, over 30 riparian plant species and 76 species of freshwater fauna listed under the Act. The presence of threatened flora or fauna in the vicinity can be determined by contacting the Threatened Species Unit, Parks and Wildlife Service or by electronically accessing GT Spot (www.gisparks.tas.gov.au), which holds the threatened species data base.

Environment Protection and Biodiversity Conservation Act 1999

This commonwealth statute establishes powers over new projects or developments which may have a 'significant impact' on matters of 'national environmental significance' (i.e. listed threatened species and ecological communities; Ramsar wetlands; listed migratory species; and World Heritage properties).

For freshwater ecosystems the Act may encompass irrigation and other consumptive use developments; water infrastructure projects (such as weirs, channels, levee banks or dams); flow altering or pollution causing developments affecting native fish and wetlands; and land clearing activities.

Further details are provided at the Environment Australia website
<http://www.ea.gov.au/epbc/assessapprov/referrals/significanceguide.html>

Aboriginal Relics Act 1975

This Act covers the physical remains of Aboriginal occupation in Tasmania and makes it illegal to interfere, conceal, remove, damage or destroy an Aboriginal relic, such as middens, stone tools and rock shelters, regardless of land tenure (unless a permit has been granted by the Minister on the advice of the Director, National Parks and Wildlife).

River verges and wetlands are likely to have a long history of Aboriginal use. Surveys may be required where works are planned in areas likely to contain Aboriginal relics. Generally these surveys are done by private consultants. The Aboriginal Heritage Section, Tasmanian Heritage Office should be contacted for further information.

Historic Cultural Heritage Act 1995

Restrictions on works may apply where a waterway or a structure on a waterway is deemed to have historic cultural heritage significance to any group or community in relation to the archaeological, architectural, cultural, historical, scientific, social or technical value of the place. Specified works and specified primary production within a heritage area may have Ministerial exemption.

The planning authority (or Heritage Council where local government does not have that delegated power) may only approve a works application in respect of works which are likely to destroy or reduce the historic cultural heritage significance of a registered place or a place within a heritage area if it is satisfied that there is no prudent and feasible alternative to carrying out the works.

The Tasmanian Heritage Register is accessible at www.tasheritage.tas.gov.au or contact the Cultural Heritage Unit of the Tasmanian Heritage Office.

The Register of the National Estate which is maintained by the (Commonwealth) Australian Heritage Commission under the Australian Heritage Commission Act 1975 may also impact where works and activities require government approval.

Agricultural and Veterinary Chemicals (Control of Use) Act 1995

A person proposing to use chemicals to control pests (including weeds) in streams or along river banks must use non chemical means of control wherever practical. Where it can be demonstrated that chemical control poses less net environmental risk, chemicals must be used in accordance with this Act. An operator providing a commercial spraying service must hold a Commercial Operator Licence and a Certificate of Competency relevant to the type of work undertaken.

A Code of Practice for Ground Spraying has been developed for ground spraying which prescribes responsibilities and minimum standards. No spraying should take place on waterways or waterbodies or waterlogged areas unless the product is approved for such use. When spraying, chemical is not to move off-target to extent it may adversely affect waterways or waterbodies or waterlogged areas. The Code can be accessed via the internet - www.dpiwe.tas.gov.au. Contact the Chemical Management Unit, DPIWE for further details on legislative requirements.

Weed Management Act 1999

This is the principal legislation concerned with the management of declared weeds in Tasmania and is an important component in delivering the State Weed Management Strategy (WeedPlan). A plant considered a serious economic, environmental and/or social risk, is declared under the Act, allowing legally enforceable actions to be undertaken to control it. Examples of declared riparian weeds are willows and blackberries.

Weed Management Plans are developed for each weed species. These contain information relevant to the legally enforceable management of that weed and includes measures to control, eradicate or restrict the spread of the weed, and establishes the law in relation to its importation, distribution and sale.

Many councils have a gazetted weed management officer. This allows councils to strategically manage weeds in their municipality and help fulfil any obligations they have under the Act. For more information on weed control and the Act, contact a DPIWE Regional Weed Management Officer or access the DPIWE website.

Mineral Resources Development Act 1995

In rare cases, where there is a benefit to the waterway and surrounding environment, sand and gravel extraction from a waterway may be acceptable. Where more than 100 tonne per annum of any rock, stone, sand, gravel and clay is to be extracted, the Mineral Resources Development Act 1995 requires a mining lease to be issued by Mineral Resources Tasmania and compliance with the requirements of the 1999 Tasmanian Quarry Code of Practice. Quantities less than this extracted from crown land will require a licence from Crown Land Services. Operators of new extractive pits, with the exception of forestry quarries, will also be required to hold a permit issued by a planning authority under LUPAA 1993. Most permits will be discretionary and will require public advertisement of the application. Further information is available from Mineral Resources Tasmania.

Public Health Act 1997

Works on wetlands and waterways may impact upon water quality through re-suspension of sediments and erosion impacts. Increasing turbidity levels will generally increase the cost of drinking water disinfection.

Section 128 of the Act requires that any agency, public authority or person managing or in control of water must manage the water in a manner that does not pose a threat to public health; and on becoming aware that the quality of the water is, or is likely to become, a threat to public health, notify the Director of Public Health in accordance with any relevant guidelines.

If a council receives a report from an environmental health officer that the quality of water is, or is likely to become, a threat to public health, the council must take any necessary and practicable action in accordance with any relevant guidelines to prevent the threat by

- (a) restricting or preventing the use of the water; or*
- (b) restricting or preventing the use of any food product in which the water has been used; or*
- (c) rendering the water safe; or*
- (d) giving warnings and information to the public about the safe use of the water or risk of using the water. (Section 128.3)*

Where further information is required contact the Director of Public Health.

2. Complementary resource management tools

A strategic approach to natural resource management is essential for positive environmental outcomes. The following publications and programs should be considered where appropriate. Access to funding support for on-ground activities may require compliance with the objectives or recommendations of one or more of the following programs.

Tasmanian Natural Resource Management (NRM) Framework

The Natural Resource Management Bill 2002 provides the statutory basis for the implementation of the Tasmanian NRM framework. Resource management priorities determined by state and regional committees will have implications for the management of wetlands and waterways in areas such as the protection of biodiversity, water quality and soil values.

Rivercare Plans

For works funded under the Natural Heritage Trust, development of Rivercare Plans incorporating professional advice is required before works are undertaken. Such plans provide an assessment of community and environmental values associated with these ecosystems and a plan for implementation and on-going maintenance of works. *Environmental Best Practice Guidelines 8: Guiding Community Involvement in Works on Waterways & Wetlands* describes the process for plan development.

Other resources

- State Wetlands Strategy (under development)
- Directory of Important Wetlands in Australia
- Tasmanian Nature Conservation Strategy (under development)
- Threatened Species Strategy
- Tasmanian Geo-conservation Database
- Integrated Catchment Management Plans
- Landcare/community based plans
- Planning by Water Authorities (e.g. Hobart Water, Esk Water)
- National Action Plan for Salinity and Water Quality
- National Local Government Biodiversity Strategy

3. CHECKLIST

Legislative and Policy Requirements for Protecting Waterways & Wetlands when Undertaking Works

Given the range of legislation and policy which may be triggered by works in wetlands and waterways, decisions on the application and interpretation of legislation and policy are not always clear-cut. Typically such decisions are aided by the collection of adequate information about the impacts, or potential impacts, of a development.

Outlined below are examples of the type of questions to be asked about proposed works when determining whether a specific piece of legislation or policy is applicable. These are examples only. Other information may also be required to allow a considered decision to be made.

When in doubt about the application or interpretation of legislation or policy, contact the relevant government agency for advice.

- Approval of landowner / land manager (Appendix 1)

Has the property title for the wetland or waterway been checked? Has permission been obtained from the landowner and/or land manager to undertake works?

- Tasmanian Resource Management and Planning System (Page 1)

Is the activity compatible with the sustainable development of water resources? Will the activity adversely affect the life-supporting capacity of aquatic ecosystems?

- Land Use Planning and Approvals Act 1993 (Page 1)

Does the planning scheme further the objectives of sustainable development? Is the planning scheme prepared in accordance with the State Policy on Water Quality Management 1997? Is a planning permit required for the proposed activity? Do land-use & environmental effects arising from use or development comply with planning scheme requirements?

- Local Government Act 1993 (Page 2)

Are there by-laws relating to the execution of works in wetlands and waterways? Is the activity likely to cause danger or harm to the health, safety or welfare of any person? Is the activity likely to cause a risk to public health? Does it give rise to unreasonable or excessive levels of pollution in waterways?

- Environmental Management & Pollution Control Act 1994 (Page 2)

Is environmental harm being or likely to be caused? Has environmental harm already occurred and remediation of that harm is required? Is the activity consistent with State Policy or an environment protection policy? Is there compliance with the general environmental duty?

- Crown Lands Act 1976 (Page 3)

Does the development involve the private use of crown lands? Are approvals required from Crown Land Services? Are development approvals required from council?

- National Parks and Wildlife Act 1970 (Page 3)

Is the activity on a riparian public reserve or within a national park? Does the development require approval from the Parks & Wildlife Service? Is development approval required from council?

- Water Management Act 1999 (Page 3)

Does the proposal involve dam construction? Does it require consideration by the Assessment Committee for Dam Construction (i.e. all on-stream dam construction and all off-stream storages larger than 1 ML)? Has a Regional Water Management Officer completed a dam assessment report? Has a water licence to store water been obtained from DPIWE? Are there works associated with the creation of water districts requiring a development approval from council?

- State Policy on Water Quality Management 1997 (Page 4)
Do all works comply with the requirements of the State Policy? Have best practice environmental management strategies been adopted? Are water quality objectives being protected?
- Inland Fisheries Act 1995 (Page 4)
Is fish passage being maintained? Is fish habitat protected?
- Forest Practices Act 1985 (Page 4)
Do forestry activities affecting waterways & wetlands require a permit from local government? Will works comply with riparian clearance restrictions enforced by the Forest Practices Board?
- Threatened Species Protection Act 1995 (Page 5)
Are threatened flora or fauna likely to be affected by the works? Has there been investigations into the presence of threatened flora or fauna in the vicinity?
- Environment Protection & Biodiversity Conservation Act 1999 (Page 5)
Does the project or development have a 'significant impact' on matters of 'national environmental significance' - e.g. Ramsar wetland site?
- Aboriginal Relics Act 1975 (Page 5)
Is there likely to be some evidence of Aboriginal occupation in the vicinity of works site? Will works interfere, conceal, remove, damage or destroy an Aboriginal relic?
- Historic Cultural Heritage Act 1995 (Page 5)
Will works affect a site on the Tasmanian Heritage Register or Register of National Estate? Has the planning authority or Heritage Council approved a works application?
- Agricultural & Veterinary Chemicals (Control of Use) Act 1995 (Page 6)
Is the herbicide to be used approved for use near waterways? Are the requirements within the Code of Practice for Ground Spraying being met?
- Weed Management Act 2000 (Page 6)
Is the weed targeted for removal declared under the Act? Has a Weed Management Plan been developed for the target weed?
- Mineral Resources Development Act 1995 (Page 6)
Is a planning permit held where extraction is taking place within a waterway? Does the amount extracted require a mining lease to be issued?
- Public Health Act 1997 (Page 6)
Will water quality impacts of the activity likely to be a threat to public health?
- Complementary Resource Management Tools (Page 7)
Are Rivercare Plans, Natural Resource Management Plans or other resource management tools available to enable a strategic approach to on-ground works?

Appendix 1: Determining ownership of riparian areas

Legislative changes over the years has meant that determining ownership of riparian areas is not always clear cut and may require some research. The Land Information System Tasmania (LIST) is available to local government for checking land titles (<http://www.thelist.tas.gov.au/index.html>). The most likely scenario is that a piece of land will either be private land or crown land.

Option 1: Private land (freehold title)

Private land is subject to riparian rights exercised by landowner. These are natural rights arising from ownership of the land. Adjoining landowners generally own to middle of the streambed unless the title says otherwise (i.e. may be a riverside reserve, see below). Many wetlands are also under private ownership.

Option 2: Crown land reserved under different Acts

Riparian land and wetlands may be 'public reserves' as declared by ministerial order under section 8 of the Crown Lands Act 1976 (CLA 1976). These are declared for a variety of public purposes as set out in schedule 5 (conservation, public recreation, cultural values etc.). The origins of some public reserves on major streams and rivers may predate the CLA 1976. A consequence of this is the possibility of different width buffer zones - 15 metre, 20.1m (one chain) or 30.5 metre (100 feet) - between the streambank and adjoining private land. The presence or absence of fences is not always a reliable method for determining tenure.

Riparian land and wetlands are also found within the more extensive areas covered by the National Parks and Wildlife Act 1970 (declared reserves: National Park, State Reserve etc.) and the Forestry Act 1920 (State Forest and Forest Reserves).

These guidelines should be used in conjunction with the appropriate technical advice and literature.

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Environmental Best Practice Guidelines 2.

Construction Practices in Waterways and Wetlands

Undertaking works in waterways and wetlands without expert advice can cause environmental harm that may be difficult and expensive to remediate.

1. Potential environmental effects

Undertaking works and operating machinery in and near waterways and wetlands can cause environmental harm by

- eroding stream beds and banks
- filling in deep holes and pools
- destroying riparian and wetland vegetation
- smothering aquatic vegetation
- killing aquatic animals
- polluting water
- exacerbating flooding.

2. Environmental management principles

Before starting works in waterways and wetlands a works plan should be prepared. The plan should outline the works to be undertaken and the measures that will be used to minimise the risk of causing environmental harm. The measures outlined should include those described below. These measures should be required of all contractors and plant operators working in waterways and wetlands.

2.1 Prepare for works

- Expert advice should be sought before excavating in waterways and wetlands. Depending on the scale of the works, advice may be needed from one or more experts, including a stream biologist, river engineer, fluvial geomorphologist or hydrologist.
- The risk of causing environmental harm should be minimised. Short-term disturbances may be unavoidable but steps should be taken to minimise their effects at the site as well as upstream and downstream of the site. The environmental harm that could result from the works should be assessed and measures developed to minimise the harm. For example, works should be avoided when aquatic species are migrating and birds are breeding.
- The proposed construction methods and procedures should be specified in the works plan.
- All downstream neighbours and river users, such as water authorities, should be notified of the works.
- All relevant authorisations for the works should be obtained. See *Environmental Best Practice Guidelines 1. Legislative and Policy Requirements for Protecting Waterways and Wetlands when Undertaking Works*.
- Everyone involved in the works should attend a site briefing before starting work.

2.2 Minimise sediment disturbance and control erosion

- The works should be scheduled appropriately. For example, works should be timed to coincide with periods of low flow and completed quickly, and works should be stopped if conditions are not suitable, such as during and after heavy rain.
- Damage to the ground cover should be minimised and confined to the works site. Blading and grubbing of the banks and the area adjacent to the works site should be avoided. The width of

any access tracks should be minimised. Vegetation on unstable and erodible banks should be cleared by hand. If possible, trees should be felled away from the waterway.

- In-stream structures (culverts, etc) should be installed according to the manufacturer's specifications.
- The type and size of any heavy machinery and attachments (eg crab-grab) should be appropriate for the site and the works being done.
- All machinery should be kept out of the waterway on dry and stable areas within the works site.
- Existing crossings should be used to move equipment across the waterway. If there is no crossing and the stream must be crossed, any disturbance should be minimised. If crossing once, the machinery should be carefully 'walked' across the stream. If crossing many times, a temporary crossing should be made by laying a pad of clean rock at a shallow point of the waterway. The rock should be removed when works have finished.



Keep machinery off wet and unstable areas

- When excavating the channel, the flow should be diverted and the works site isolated. Sometimes, if the environmental risk is small and the flow is low, it may be possible to do the works without a diversion structure. The stream should be diverted by constructing a cofferdam, berm or temporary channel. The cofferdam should be constructed using sandbags, clean rock, steel sheeting or other non-erodible material. Clean rock is rock of varying type and size, that contains no fines, soil, wastes and contaminants. Temporary diversion channels should be protected by lining them with non-erodible materials to the high water mark.



If excavating the channel isolate the works site

- Boulders, rock, shingle, gravels, soil and vegetation from the stream bed and banks should not be used or removed without authorisation. Any use or removal should be specified by a river engineer.
- Excavated material should be placed well away from the waterway to minimise erosion back into the stream. Fill should not be pushed into the waterway or stored in flood-prone areas.
- Surface and sub-surface flows at the site should be managed to minimise erosion and sedimentation of the waterway or wetland. Geo-textile sediment fences should be used to stop sediment entering the water. They should be installed along the bases of fills and cuts, on the downhill side of soil stockpiles, and along stream banks and around wetlands adjacent to cleared areas. They should be installed along a contour, and be entrenched and staked. They should extend the full width of the cleared area.
- Any runoff from the works site should be diverted into a settling pond or sediment trap, or through a vegetated area to stop sediment entering the waterway or wetland. The settling basin or sediment trap should be designed so its capacity is large enough for the size of the area being drained and the volume of water being treated.
- The publications listed in 'Section 3. References' contain detailed information on managing soil and water at works sites.



Sediment fences need maintenance to remain effective

2.3 Avoid contaminant spills

- All workers should be trained and equipped to contain equipment spills and leaks.
- If a spill occurs, immediate steps should be taken to stop it polluting the water, including the ground water. The spill should be reported to the appropriate authorities as soon as possible.
- Petroleum products and other hazardous substances should be kept out of the waterway. Refuelling, top-ups and oil checks should be done well away from the waterway. Fuel, and servicing and refuelling equipment should be stored so the fluids cannot enter the waterway.

Non-toxic hydraulic fluids, such as vegetable-based fluids, should be used if possible. All equipment should be inspected and repaired regularly to prevent oil and other fluids leaking into the waterway.

- If equipment is to be immersed in the waterway, it should be cleaned beforehand to remove any external grease, oil and other fluids. Wash-down water is not to enter the stream.
- Dirt and mud should be removed from all equipment before entering the works site and waterway to avoid transferring weeds and disease. Wash-down water is not to enter the stream.
- Fresh concrete should be kept out of the waterway. If practical, prefabricated structures and precast components should be transported to the site and assembled on site. Any cast-in-place concrete should be isolated from the waterway for at least 48 hours to allow the pH to neutralise.
- Paints should not be allowed to enter the waterway when constructing, repairing and maintaining in-stream structures.
- When using wood treated with preservatives, the chemicals should be given enough time to fix before immersing the wood in the water.

2.4 Stabilise and rehabilitate banks

- The site should be rehabilitated when the works have finished. If practical, native vegetation should be established on all exposed soil surfaces, including the headslopes of any bridges and culverts.
- Temporary erosion control measures, such as geo-textile silt fences, diversion ditches, sediment traps and temporary seeding with fast growing annuals, should be used to control erosion at the works site and in the table drains of any approach roads. These should remain in place until the long-term erosion control methods are established and functioning.
- Long-term measures should be used to control erosion at the works site. Suitable measures include slope stabilisation, revegetation, soil coverings, rip-rap and armouring, check dams, sediment traps, brush barriers and vegetation filters. The measures used should be inspected and maintained regularly to make sure they are effective.

3. References

Hobart Regional Councils. 1999. *Guidelines for Soil and Water Management*. Hobart Regional Councils, Hobart.

Hobart Regional Councils. 1999. *The Soil and Water Management Code of Practice for Hobart Regional Councils*. Hobart Regional Councils, Hobart.

Launceston City Council. 2000. *The Soil and Water Management Code of Practice for Launceston City Council*. Launceston City Council, Launceston.

These guidelines should be used in conjunction with the appropriate technical advice and literature.

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Checklist

This checklist summarises the environmental management principles outlined in *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands*. The plan of works prepared should describe the proposed works and show that the measures listed below will be used to minimise the risk of causing environmental harm during and after the works.

- Works plan prepared

Prepare for works (Section 2.1)

- Expert advice sought
- Risk of causing environmental harm assessed
- Construction methods and procedures specified
- Downstream neighbours notified
- Water authorities notified if appropriate
- Appropriate authorisations obtained
- All site workers briefed

Minimise sediment disturbance and control erosion (Section 2.2)

- Works scheduled appropriately
- Ground cover disturbance minimised
- In-stream structures installed to manufacturer's specifications
- Heavy equipment appropriate for site and works
- Machinery restricted to dry and stable areas
- Crossing sites selected if appropriate
- Works site isolated from channel
- Any removal of boulders, rock, shingle, gravels, soil and vegetation authorised
- Excavated material placed away from waterway
- Sediment control devices selected and sited appropriately

Avoid contaminant spills (Section 2.3)

- Contingency plan prepared that outlines measures to minimise likelihood of spills on site and response if spills occur
- Workers trained and equipped to contain spills
- Refuelling and servicing equipment located away from waterway
- Arrangements made to clean vehicles and other equipment away from waterway
- Hazardous materials kept out of waterway

Stabilise and rehabilitate banks (Section 2.4)

- Site rehabilitated and stabilised
- Temporary erosion control measures installed
- Long-term erosion control measures installed and inspection and maintenance plan prepared

Environmental Best Practice Guidelines 3.

Excavating in Waterways

Many works in waterways involve excavating stream beds and banks. Such works include stabilising stream beds, protecting and stabilising stream banks, diverting streams, creating channels to drain land and alleviate floods, deepening stream holes to increase the capacity of water off-takes, extracting sand and gravel, and works associated with developing infrastructure, such as bridges and pipelines.

Excavating can severely degrade or destroy ecosystems in waterways and wetlands so the precautionary principle should be followed. Excavating should not be allowed if it is likely to cause significant environmental harm. If the works will result in substantial benefits and minimal harm to the waterway and surrounding environment, excavating the bed and banks may be acceptable. However, the appropriate safeguards must be taken.

1. Potential environmental effects

1.1 Changes stream geomorphology

River systems will move towards a state of dynamic equilibrium after disturbance. A stream modified by removing alluvial material or channelising will attempt to revert to its 'natural' state. The resulting erosion, increased sediment transport, and reduced water quality may continue or even accelerate for many years after the works have been completed. Continual maintenance may be needed to control this process.

Removing alluvial material from the stream bed

Extracting material from the stream bed can trigger changes in the stream profile, along the stream and from bank to bank. Changes to the flow regime and disturbing the balance between the supply of sediment and the sediment carrying capacity of the flow can have the following effects.

Headcut erodes the stream bed: Excavating the channel deepens the stream bed. A nick point is created in the bed at the point where the flow velocities increase due to the steeper gradient. If the increased flow velocities erode the stream bed, the nick point migrates upstream in a process known as 'headcutting'. This continues until the gradient of the stream stabilises or the nick point meets an obstacle, such as a rock outcrop. Headcutting releases large amounts of sediment from the stream bed, which is transported and deposited downstream. The deposition fills in deep holes and pools, and changes the form of the channel.



Headcut eroding stream bed

Increased flow capacity affects sediment movement: Excavating the channel increases its cross-sectional area and hence its flow capacity. Larger floods ('1 in 2 year floods' and up) are more readily contained within the modified channel and are less likely to have their energy dissipated across the flood plain. This increases the stream energy during floods, which further erodes the channel, and increases sediment supply and transport from the stream reach.

Collapse of stream banks due to increased height: Deepening the stream bed can increase the height of the stream banks and make them more prone to erosion and collapse. If the banks collapse, the sediment load in the stream will increase. Widening of the stream due to extensive bank collapse increases flow capacity, and increases sediment supply and transport downstream.

Removal of gravel armouring the stream bed: Removing gravel that is protecting or 'armouring' the stream bed and stabilising the banks and bars may expose material that is more susceptible to erosion. If this occurs, excessive scouring of the bed and movement of sediment may result.

Loss of stream roughness: Removing objects that create roughness in the stream, such as large woody debris and boulders, when excavating can reduce the structural integrity of the stream and ecosystem health. These objects help control the morphology and hydraulics of the stream, and help regulate the storage of gravel and other sediments.

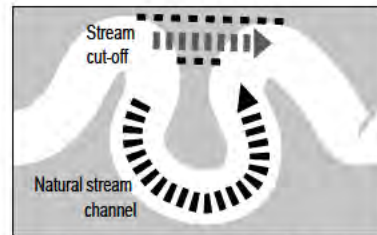
Channelising

In general, increasing the stream's flood carrying capacity by channelising the stream - that is, re-aligning the channel and smoothing the banks - decreases the stability of the stream. This can result in unforeseen and unintended erosion upstream and downstream of the channelled section.

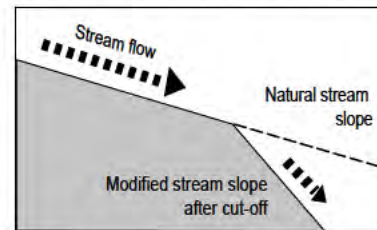
Increased slope increases flow velocities: Constructing meander cut-off channels and re-aligning the stream usually shortens the stream, which steepens its gradient. Abrupt changes in the slope of the channel cause erosion and degradation of the channel upstream, and aggradation (increased silt, sand or gravel deposition) of the channel downstream (see Figure).

The significance of increased flow velocities depends on the composition of the bed and banks and the state of the riparian vegetation cover. Coarse, rough materials, such as cobbles and gravel, are more resistant to erosion from increased flow velocities than clay, fine sand and unconsolidated fill. A wide, healthy cover of native riparian vegetation helps resist erosion.

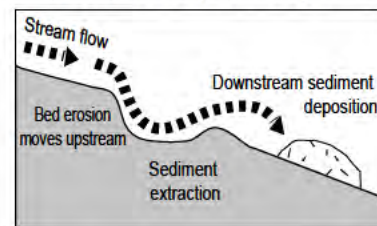
Increased flow downstream increases bank erosion: Larger volumes of flow being funnelled downstream can destabilise the banks due to the greater erosive forces of the flow and more frequent overtopping of the banks. The amount of water flowing in a waterway shapes the profile of the stream channel (along with sediment load) so increasing the flow may trigger further changes in the stream profile.



Channel diversion & loss of meander will shorten the channel, and...



...this will increase the slope of stream bed, which...



... increases flow velocity, causing 'headcut' erosion in the upstream direction and sediment deposition downstream.

Bed erosion due to channel diversion
(adapted from W.A. Water & Rivers Commission,
River Restoration Report No. RR10 - Stream Stabilisation.)

1.2 Effects on surface and ground water flows

In-stream works can change the local hydrology and lead to unpredictable changes in the surface and ground water flows.

Removing alluvial material

Excavating the stream bed and banks may lead to

- a lower water table
- reduced bank storage
- drainage of associated wetlands
- greater variations in stream flow
- more intermittent stream flows
- more uniform stream flow conditions.

Channelising

Straightening the stream and smoothing the banks will increase the flow capacity and flow velocities of the stream. This may have a number of consequences, including

- The higher average flow velocities may aggravate flooding downstream.
- The greater quantity of water flowing may trigger unintended changes in the course of the stream.
- Improved drainage of the land adjacent to the stream may increase the discharge of ground water, which may reduce the amount of water available for stream flows during dry periods.
- Stockpiles of soil and overburden left on the floodplain after excavating may change the hydraulics of the channel during floods.

1.3 Degrades aquatic and riparian habitat

The physical and biological changes arising from works in streams may reduce the abundance, composition and diversity of plant and animal species, especially sensitive species, and reduce the health of ecosystems. The effects may not be confined to the works site. They may also extend a long way upstream and downstream.

Excessive suspended sediment: Excavating changes the physical composition and stability of substrates in the stream and releases large amounts of sediment into the stream. Other activities at the works site, such as clearing, grading, stockpiling of materials and constructing an access track, can erode soil into the waterway and increase sediment loads (see *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands*). Clearing the riparian vegetation when excavating may increase the sediment load in the stream because less sediment is filtered from the overland flow. Operating heavy equipment in the channel bed can increase turbidity and suspended sediment downstream (see *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands*).

Increased sediment loads and increased deposition can create a unstable environment that is hostile to many fish and other aquatic animals by

- creating conditions favourable only to silt-tolerant plants and animals
- reducing the availability of benthic food due to smothering
- reducing light penetration and productivity of the waterway
- making it difficult for plants and animals to respire
- reducing the tolerance of fish to diseases and pollutants
- increasing physiological stress in fish by clogging and damaging their gills
- smothering fish eggs and reducing the success of spawning.

Removal of riparian vegetation: Trees and vegetation may have to be removed from the banks so workers and equipment can reach the excavation site. Collapse of the stream banks and lowering of the water table as a result of excavation can also destroy riparian vegetation. Less riparian vegetation may

- exacerbate fluctuations in water temperature and reduce the concentration of oxygen in the water by reducing shade
- reduce the amount of food, shelter, and spawning and breeding habitat available for aquatic and terrestrial animals.



Channelising the stream can destroy riparian habitat

Less diversity of aquatic habitat: Channelising the stream produces a straight, uniform channel with fewer features, such as pools, riffles, and undercut banks, that are important habitat for aquatic animals. Removing large woody debris, boulders, and so on during excavation works further simplifies the structure of the stream and reduces the range of habitats available. Operating heavy equipment in the channel bed may degrade or destroy habitat.

Habitat may also be lost if the works result in a shallower stream. Low water levels may expose riffles and cobble substrate in high gradient streams, and logs and snags in low gradient streams - all of which are important habitat for fish and other aquatic animals.

Restricts fish movement: Shallower surface flows caused by excavating in the stream may stop fish migrating upstream during low flows. The water may be too shallow for fish to remain submerged as they cross shallow sections. Previously submerged structures, such as logs and rock shelves, may no longer be submerged and may create a barrier that fish cannot get over.

1.4 Damages infrastructure

Erosion triggered by excavating the stream may damage public and private property far from the works site. Channel incision may undermine bridge piers and expose buried pipelines and utility lines. Exacerbating flooding downstream may increase the risk of damaging infrastructure and necessitate the construction of flood-protection structures, such as flood levees.



Excavating the stream may lead to infrastructure loss

Excavating streams does not always cause instability upstream and downstream. However, nearby landowners may attribute such problems to the excavation works and may take legal action to recoup their perceived costs.

1.5 Degrades water quality

Excavating streams can increase sediment loads and turbidity downstream, which may degrade the quality of domestic and stock water supplies. A new channel course may increase or decrease runoff and sediment input from the adjacent land. If the increased runoff is from agricultural land, more salts, nutrients and pesticides may be discharged into the stream. If town water supplies have to be treated, this will involve additional costs for the supplier.

1.6 Reduces recreational and aesthetic values

Recreational activities, such as fishing, swimming and bird-watching, need streams that are relatively free of sediment and visible pollutants. Excavating streams can reduce their recreational values if sediments and pollutants are mobilised. Preserving landforms and vegetation cover when excavating will preserve the stream's aesthetic values.

2. Methods for controlling erosion

Before undertaking works to control erosion in streams it must be determined that the rate of erosion justifies the cost of the works, and that the works are likely to be successful and not create new problems. The methods used will depend on the scale of the erosion problem. Methods that stabilise and protect the banks are usually appropriate for managing localised bank instability, such as erosion of meander bends. If there is severe degradation of the stream bed, the bed may need to be stabilised before stabilising the banks. A variety of bed-control structures (also referred to as grade-control or full-width structures) can be used for this purpose. Extensive degradation of the river system may need a catchment-based approach that focuses on changing land use in the catchment.

The design requirements of structures to control and stabilise stream beds and banks can be found in the following publications

- The WES Stream Investigation and Streambank Stabilization Handbook (Biedenharn et al., 1997)
- Riparian Land Management Technical Guidelines Volume 2: On-ground Management Tools and Techniques (Lovett & Price, 2002)
- A Rehabilitation Manual for Australian Streams, Volume 2 (Rutherford et al., 2000)
- Guidelines for Stabilising Waterways (SCR&C, 1991)
- Stream Stabilisation. River Restoration Report No. 10 (WRC, 2001b).

2.1 Stabilising the banks

The two main approaches to controlling bank instability are re-aligning the flow and modifying the stream bank. At some sites both approaches will be needed.

Re-aligning the flow

The re-aligning approach uses structures that extend part-way into the channel to redirect the flow so the hydraulic forces along the bank are reduced and do not cause erosion, or the flow is directed away from the erodible bank. The partial-width structures most commonly used are groynes (extend

from the eroding bend into the channel at an angle to the flow) and retards (a series of piles with cross members that provide a permeable barrier to flow). Large woody debris anchored to the bank can also be used (see *Environmental Best Practice Guidelines 6. Managing Large Woody Debris in Waterways*). If placed appropriately, a series of any of these structures will reduce flow velocities near the bank and increase sediment deposition along the bank, which will allow revegetation.



Seek expert advice if installing bank stabilisation structures such as pin groynes

Other structures that can be used are pin retards (unconnected pins), brush retards (pins connected by branches), jacks (tripods anchored by cables to each other and the bed), and low flow deflectors (low profile structures extending into the stream).

Modifying the banks

Stream flow is not the only cause of bank erosion. Inadequate vegetation cover, trampling by stock, and overland flow can also trigger bank erosion. It is important to determine the cause of the erosion so the most appropriate remedy can be used. The range of remedies is considerable. Revegetating the bank is probably the best remedy from an environmental and aesthetic perspective. However, revegetation must be combined with other approaches if the bank instability is too great. Battering or terracing the bank may be necessary to reduce the slope of the bank and allow plants to establish. Using organic geo-textile mats (natural fibre mats) will provide better conditions for growing plants if the area is not subject to high velocity flows. If the bank instability is due to undermining of the bank, the bank toe can be hardened by installing rock gabions (stone-filled wire cages) or rock rip-rap (loose rock). Dead trees and root wads can be used instead of rock in some situations.

2.2 Stabilising the bed

Bed-control structures stabilise the stream bed. They stop the active headcut moving upstream (including into tributaries) by creating a hard point in the bed that resists the erosive forces. Alternatively, they change the hydraulic conditions so the stream energy no longer scours the bed. Some bed-control structures do both.



Seek expert advice if installing bed control structures such as rock chutes

Bed-control structures usually span the width of the channel and allow some overflow. They also allow a temporary backwater pool to form upstream, and a permanent, stable scour pool to form downstream. Rock chutes are the most commonly used bed-control structures because rock is long lasting and copes with high flows. Grass chutes are sometimes used on seasonal waterways with low base flows. Reinforced-concrete drop structures and piped drops are less desirable because they may stop fish swimming upstream. Timber, can also be used, either a single log that spans the channel to form a low weir or angled logs that meet in the centre and concentrate low flows.

2.3 Changing land use in the catchment

Activities such as clearing vegetation, draining wetlands and damming streams will affect erosion in the catchment's waterways by changing the sediment loads and water yields. A catchment-based approach, such as a natural resource management framework, can be used to restore the sediment loads and water yields in the catchment to as close to their 'natural' levels as possible. For example, sediment going into the catchment's waterways may be reduced by establishing riparian buffer zones throughout the catchment and promoting better ways of managing stormwater.

3. Environmental management principles

Before excavating in waterways and wetlands a works plan should be prepared. The plan should outline the works to be undertaken and the measures that will be used to minimise the risk of causing environmental harm. The measures outlined should include those described below.

3.1 Get expert advice

- Undertaking works in streams without expert advice can cause environmental harm that may be difficult and expensive to remediate. Expert advice should be sought before excavating the bed and banks of waterways. Depending on the scale of the works, advice may be needed from one or more experts, including a stream biologist, river engineer, fluvial geomorphologist or hydrologist.

3.2 Avoid works on high risk sites

- The location and extent of any proposed excavation should be assessed on a case-by-case basis.
- The proposed works should meet the requirements of all relevant legislation, policies and regional strategies. Other ways of achieving the objectives of the works should be considered.
- Streams containing threatened plants and animals and having pristine ecosystem Protected Environmental Values should not be excavated.
- Significant geomorphological and cultural heritage sites should be protected.
- Avoid excavating upstream of nearby drinking water supplies and industrial water off-takes that need high quality water.
- The risk of damaging public and private infrastructure should be considered.
- The works should not damage recreational and aesthetic amenities.
- The likelihood that the sediments contain toxic materials, such as pesticides and metals, should be determined. If sediments upstream and downstream of the works site could be disturbed, these should also be assessed.
- Extracting sand and gravel from a waterway is only acceptable in rare situations where it benefits the waterway and surrounding environment. For example, where human activities outside the river reach have caused a build-up of sand and gravel (sediment slugs) that has eroded or changed the course of the stream, or destroyed habitat.

3.3 Understand site and system

- Waterways are complex systems and excavating them can cause unexpected consequences. Having accurate information about the stream channel and the discharge of water that shapes it, is critical to ensuring the works will be successful and harm minimised. Information about the geomorphology and land use in the catchment and sub-catchment should also be obtained. Stream Channel Analysis. River Restoration Report No. 9 (WRC, 2001a) (available on the internet) describes the information that should be collected before starting works. Groups and individuals excavating streams without this information risk causing environmental degradation, and having structures fail and costly maintenance problems afterwards.

Desk top survey to gather information about the stream area and catchment history	Field work to survey the stream and its catchment and gather information from locals	Calculations based on the information gathered that help plan the works
Catchment area and use	Longitudinal channel survey	Channel slope
Estimates of channel dimensions	Bank-full level	Average bank-full
Flow records	Stream cross-section	Wetted perimeter
Determine channel forming flow from flow records	Existing flow velocity	Channel roughness
Longitudinal survey of river channel	Assess bed material	Hydraulic radius
	Sketch map of channel	Median bed paving
	Assess foreshore and habitat	Flow velocity
		Discharge
		Stream power
		Critical flow

3.4 Adopt construction practices guidelines

- Contractors and plant operators undertaking works in streams should adopt the principles outlined in *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands* to minimise the risk of causing environmental harm. These guidelines focus on preparing for works, controlling sediment and erosion, avoiding contaminant spills, and stabilising and rehabilitating the stream.

3.5 Retain stream geometry, materials and habitat

- The stream should be restored to its 'natural' state after works have been completed. This will be easier if information about the waterway's environmental and aesthetic values was collected before the works started. Similar healthy, unmodified reaches in the catchment can be used as models if the site is degraded.
- Local, natural materials, such as rock and timber, should be used if possible. Artificial materials, such as concrete, old tyres and gabions, are less attractive. They also create a different flow regime to that of the original channel, need considerable maintenance, and do not provide good habitat for aquatic animals. The local materials should come from an appropriate source, such as an approved quarry.
- Creating large discontinuities in the water surface profile should be avoided. A vertical drop of more than 10 centimetres will stop native fish swimming upstream.
- A series of structures (eg a pool and riffle sequence or a series of large woody debris) should be used rather than a single structure if possible. More complex structures create a greater variety of habitats while still preventing erosion.
- Elements that create roughness in the stream, such as large woody debris, are critical for maintaining healthy aquatic ecosystems and should be restored.

3.6 Stabilise stream diversion (if required)

- If the channel is being re-aligned, the flow must be diverted into a properly designed and constructed channel that has been stabilised. It should not be diverted into an undefined channel.

3.7 Protect stream-entry points

- If extensive surface runoff may enter the receiving channel, the runoff should be directed through properly designed and constructed drainage ditches.
- It is best if drainage ditches and streams have small gradients as they approach and enter the receiving channel. If the gradient of the incoming drain or stream is steep, it may be necessary to line it with protective rock to prevent erosion of the receiving stream. If necessary, rip-rap may be used to line the bank of the receiving channel and prevent erosion and slumping of its banks.

3.8 Avoid constructing levee banks

- Levee banks are considered to be channel works even though they are not constructed in the stream channel. Levee banks deepen the flow channel during floods, which increases the likelihood of erosion along the stream bed and banks.
- Using large, long levees to prevent flooding of flood plains adversely affects the channel system and adjacent areas. Wetlands and riparian areas often rely on flooding to supply nutrients and trigger plant growth. Diverting flood waters away from these areas may make it difficult or impossible for plants to survive.
- If possible, development should be avoided on flood-prone areas. This removes the need to construct flood-protection structures.

3.9 Revegetate

- Deep-rooted plants, such as trees and shrubs, should be planted along the banks to stabilise the channel, provide shade to control water temperature, provide habitat and food for animals, and create an attractive and healthy waterway. Local, native riparian species should be used if possible.

- The works site should be monitored and maintained after revegetation to make sure the plants establish and weeds are controlled.

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These guidelines should be used in conjunction with the appropriate technical advice and literature.

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Checklist

This checklist summarises the environmental management principles outlined in *Environmental Best Practice Guidelines 3. Excavating in Waterways*. The plan of works prepared for all works involving excavation in a waterway should describe the proposed works and show that the measures listed below will be used to minimise the risk of causing environmental harm during and after the works.

- Works plan prepared

Methods for controlling erosion (Section 2)

- Appropriate erosion-control method/s selected

Get expert advice (Section 3.1)

- Expert advice sought

Avoid works on high risk sites (Section 3.2)

- Environmental risk assessed
- Legislative and policy requirements met
- Sensitive ecosystems protected
- Geomorphological and cultural heritage sites protected
- Downstream water supplies and sensitive industrial off-takes not affected
- Public and private infrastructure not threatened
- Recreational and aesthetic effects minimal
- Public safety and use protected
- Contaminated sediments not present

Understand site and system (Section 3.3)

- Stream survey undertaken

Adopt construction practices guidelines (Section 3.4)

- Works conform to *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands*

Retain stream geometry, materials and habitat (Section 3.5)

- Natural geometry, materials and habitat maintained or restored

Stabilise stream diversion (Section 3.6)

- Diversion channels stabilised

Protect stream-entry points (Section 3.7)

- Stream entry points protected

Avoid constructing levee banks (Section 3.8)

- Flood protection used to minimise environmental effects

Revegetate (Section 3.9)

- Rehabilitation and revegetation program prepared

Environmental Best Practice Guidelines 4.

Minimising Environmental Harm from Agricultural Drainage Channels

Agricultural lands are usually drained to improve crop production. Drainage removes excess water from the soil surface and the soil profile of crop land and pasture by gravity or artificial means. This helps create a well aerated soil, which enables better uptake of nutrients by plants. Draining wet soils allows early ploughing and planting, vigorous crop growth, and better productivity. Sub-surface drainage may also be used to prevent salinity in heavily irrigated soils.

Properly planning, designing and maintaining drainage channels will minimise the likelihood that they cause environmental harm and alleviate some of their adverse effects.

1. Potential environmental effects

Agricultural drainage improves crop production but it can also cause environmental harm.

Degrades waterways: Drainage works, such as straightening channels so water moves downstream faster, can alter the morphology and function of waterways. This can trigger erosion of the stream bed and banks, and degrade aquatic and riparian habitats.

Destroys wetlands: Wetlands perform important hydrological, biological, chemical and physical functions for the environment at the farm and catchment levels. They provide temporary water storages that reduce flooding during periods of high rainfall. They provide habitat for wetland plants and animals. They act as a filter or 'sink' for sediments and nutrients moving through the catchment. Draining wetlands destroys these functions.



Drainage works can have significant environmental impacts

Increases sediment loss during construction: Constructing drains can cause increased erosion and soil transport in the surface water. The effects may be only temporary as they may diminish when the exposed soil has been revegetated and stabilised. However, the increased movement of sediment may persist if the drainage leads to greater surface runoff.

Increases erosion due to increased water velocity: Drains on sloping land can increase water velocities. This can lead to erosion of the base and banks of the drains, greater transport of sediment, and siltation downstream. Serious erosion may occur even on very low gradient slopes (1:100 or less) if there is no vegetation cover.



Badly designed drainage works can trigger serious erosion

Exacerbates flooding downstream: Improved drainage can lead to flooding elsewhere if more water enters the waterway during times of high rainfall. If the receiving waterway is unable to accommodate the extra water, flooding, erosion and habitat disturbance downstream may result. 'Solving' the flooding problem at a site by building a drainage system may cause or increase the severity of flooding downstream. Drainage may move the problem rather than solve it.

Degrades water quality: Draining land may reduce the quality of water in the receiving stream by increasing the amount of sediment, fertiliser, herbicide, pesticide, organic waste and other pollutants washed into it. The pollutants may adversely affect aquatic plants and animals, and restrict water use downstream.

Increases drain outfall erosion: Headward erosion in the base of the outfall drain may result if there is no outlet structure and there is a substantial drop between the outlet of the agricultural drain and the normal low flow level of the stream. Extensive bank erosion may result if the drainage flow goes under or around the outfall pipe or upstream headwall. The erosion may also destroy the outfall structure.

2. Environmental design requirements

Before starting drainage works a works plan should be prepared. The plan should outline the works to be undertaken and the measures that will be used to minimise the risk of causing environmental harm. The measures outlined should include those described below.

Further information on farm drainage can be found in the Drainage Information Package produced by the Department of Primary Industries, Water and Environment (DPIWE, 2002).

2.1 Seek expert advice

- Undertaking drainage works without obtaining expert advice can cause environmental harm that may be difficult and expensive to remediate.
- Professional advice will usually be needed when designing a drainage system. In some cases only a preliminary assessment will be needed. However, for larger systems detailed soil analyses, and hydrological and hydraulic design engineering advice may be needed.
- Advice should be sought from one or more experts, such as a river engineer, soil manager or hydrologist, before excavating stream beds and banks.

2.2 Plan adequately

- All relevant legislative and policy requirements should be taken into account when planning a drainage system (eg Ramsar wetland sites, threatened species, possible water pollution). See *Environmental Best Practice Guidelines 1. Legislative and Policy Requirements for Protecting Waterways and Wetlands when Undertaking Works*.
- Drainage works may increase or decrease flows on neighbouring properties. Neighbours should be notified of the proposed works and their consent obtained. This will reduce the likelihood of legal action being taken to remedy flood damage or perceived changes in water availability.
- Existing elements of the drainage system, such as natural channels, wetlands and riparian vegetation, should be preserved. If possible, drains should be designed to follow the existing drainage lines in well defined depressions.
- The land capability should be determined. Will the slope of the land sustain the drainage proposed? Does the design need to be changed to minimise the risk of causing environmental harm?
- The soils should be analysed to make sure they can sustain the drainage proposed. Some soils are more prone to erosion than others. Specialised drainage systems may be needed for dispersive, saline or sodic soils and where acid-sulphate soils may occur.
- The drainage capacity must be adequate. The likelihood of floods and the extent of waterlogging should be assessed to determine whether the proposed drainage system can convey the volumes of water anticipated. Floodplain maps, if available, can help in this assessment.
- The drainage proposal must show how the drainage water will be disposed of. Disposing of good quality drainage water poses few problems. However, care must be taken to ensure that poor quality discharge water does not affect land and water supplies downstream. In these cases, the design must prevent any adverse effects. Sediment traps may be needed, or collecting and reusing the water on site may be a better alternative.

2.3 Drainage channel design and construction

- The drainage system should be constructed during the dry months to minimise muddying of the waterway downstream. The drain banks should be allowed to revegetate before water flows again.
- The drainage system should not be 'over-designed' so excessive earthworks and bank armouring are needed.
- Paddock drains should be constructed with the minimum effective gradient to avoid erosion. Flow velocities in the drain must be non-erosive: less than 0.6 metres/second in loams and silts, and less than 1.2 metres/second in clays and gravels.

- Steep drain banks (batters) should be avoided as they are more likely to erode than banks with gentle gradients.
- Open ditches should be flat bottomed rather than V-shaped to prevent scouring.
- The existing waterways should not be straightened because straightening will increase the steepness of the drainage system and increase erosion.
- Areas of bushland should be retained, particularly along drains, to slow runoff and filter stormwater pollutants.
- Grass or other ground cover should be planted in the drain to prevent erosion into the waterway. The vegetation will also hold the banks together.
- Access for drain maintenance should be provided.

2.4 Outlet design

- An outlet structure will usually be needed so the drainage entering the waterway does not erode the outfall drain and the stream bed and banks.
- The choice of outlet structure will be determined by the site characteristics. The outlet structure may be a natural depression, excavated earthen drain, pipe, rock chute, flume or drop structure. The hydraulic characteristics that should be taken into account include design flows, exit velocities, and tail-water levels in the receiving stream, and the effects of greater-than-expected flows.
- The smallest but most effective outlet should be installed at a number of points to reduce sediment and nutrient transport by reducing the amount of water discharged at any one point. This approach is often used in 'hump-and-hollow' drainage systems but it can also be used with more conventional open-ditch systems.
- The concrete cut-offs around the outlet structures should be large enough to prevent flows bypassing the outfall pipe and causing erosion around the structure.
- Advice on outlet structures should be sought from experts, particularly for larger drainage systems. Rivercare Engineers and DPIWE Regional Water Management Officers are good sources of initial advice and referral.



Drainage line discharge should not flow unconfined across the landscape

2.5 Maintenance

- Stock access to the drains should be controlled. Fencing off the drains stops stock damaging them and defecating into them. This reduces the need to de-silt the drains, which reduces maintenance costs. It also reduces nutrient levels, which restricts weed growth. The fences should be inspected regularly to make sure they have not been damaged.
- A carefully planned weed control program should be implemented annually. Using the wrong weed control methods could be expensive and make the drains ineffective. If using chemical sprays, select the right chemicals so that the weeds are controlled without killing animals, such as frogs and fish, that may live in the drain. Contact a DPIWE Regional Weed Management Officer for information on the most appropriate sprays to use. Further information is also available in the Rivercare Guidelines for Safe and Effective Herbicide Use near Water, which is available on the DPIWE website.
- Check regularly for erosion in the drains and receiving waterway. Remediate if necessary.

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These guidelines should be used in conjunction with the appropriate technical advice and literature.

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Checklist

This checklist summarises the environmental design requirements outlined in *Environmental Best Practice Guidelines 4. Minimising Environmental Harm from Agricultural Drainage Channels*. The plan of works prepared should describe the proposed works and show that the measures listed below will be used to minimise the risk of causing environmental harm during and after the works.

- Works plan prepared

Seek expert advice (Section 2.1)

- Expert advice sought

Plan adequately (Section 2.2)

- Legislative and policy requirements taken into account
- Neighbours notified
- Natural channels, wetlands and riparian vegetation preserved
- Land capability assessment undertaken
- Soil assessment undertaken
- Drain capacity adequate
- Drainage water will not adversely affect water quality downstream

Drainage channel design and construction (Section 2.3)

- Construction scheduled for dry period
- Excessive earthworks and bank armouring avoided
- Drain gradient (longitudinal and bank) will not trigger erosion
- Drain flat-bottomed
- Areas of bushland along drain retained
- Grass cover in drain planted
- Access for drain maintenance provided

Outlet design (Section 2.4)

- Outlet structure appropriate
- Smallest, most effective drainage outlets chosen
- Concrete cut-offs large enough

Maintenance (Section 2.5)

- Drains fenced off to control stock access
- Weed control plan prepared
- Erosion inspection and maintenance program prepared

Environmental Best Practice Guidelines 5.

Siting and Designing Stream Crossings

1. Background

These best practice guidelines discuss the siting and design principles that should be used to minimise environmental harm when constructing stream crossings. The principles should be considered by local councils when developing planning schemes and assessing planning permits for the construction of stream crossings.

Undertaking construction works in waterways and wetlands without expert advice can cause severe environmental harm that may be difficult and expensive to remediate. Depending on the scale of the works, advice may be needed from one or more experts, including a stream biologist, river engineer, fluvial geomorphologist or hydrologist.

2. Stream crossing types

The type of stream crossing selected will depend on the crossing's purpose and anticipated frequency of use, the site characteristics (bank height, bed stability, flow regime, depth, etc), and the budget.

If possible and appropriate, use the structure that is least likely to cause environmental harm. As a general rule of thumb, in descending order of preference, use bridges, arch culverts, open-bottom box culverts, closed-bottom box culverts, and pipe culverts.

Bridges are raised structures that carry a path or road over a waterway. They are used when frequent crossings are anticipated. Typically, bridges are used on waterways with clearly defined drainage channels, permanent and semi-permanent pools, and wetlands connected to rivers. Usually, they have little or no in-stream framework so they do not impede flows. As a result, they can be used during most floods.

Bridges are the most appropriate crossings for sites

- with actively eroding banks
- where the channel is too steep for a culvert
- with steep banks that would need considerable infilling if a culvert were used
- with threatened species, fish habitat or aquatic vegetation.

Culverts are arched, boxed or piped conduits that allow water to pass under a road or other structure. They are usually made of concrete or galvanised corrugated steel pipe. The location and size of the culvert will be determined by its flow capability requirements and the need for it to be safe during high flows. Like bridges, some large box and arch culverts do not significantly alter the form of the stream bed or the width of the channel.

Causeways are structures that raise the base of the stream bed. They allow water to go through a culvert underneath when flows are low but are inundated during floods. Typically, causeways are located on waterways with intermittent flows, poorly defined drainage channels, and semi-permanent pools that provide habitat for aquatic animals. They are suitable for wide shallow streams with gravel and soft substrate beds where it is too expensive to construct a bridge or culvert and intensive use is not anticipated.

Fords are vehicular crossings that are almost level with the river bed. Low flows pass over the structure rather than through a culvert below. They are used when infrequent use is anticipated (if more frequent use is anticipated, a permanent or temporary culvert may be needed to prevent disturbance to the channel). Fords are 'wet' crossings so they should be used only when flows are low or non-existent. Fords are suitable for intermittent waterways with little or no defined drainage channel, no lasting pools, and little or no vegetation.

Stock crossings are natural stream crossings that have had little or no modification. Stock crossings are 'wet' crossings so they should be used only when flows are low or non-existent. Stock are one of the major causes of environmental harm to waterways so stock access to waterways - and stock crossings - should be controlled and minimised.

3. Site selection

Crossings can cause severe environmental harm to waterways and are expensive to install so the number of crossings should be minimised. Existing crossings should be used if possible. If a new crossing is needed and there is a choice of sites, the site should be selected to comply with the following requirements

- the stream reach is straight, well defined and unobstructed
- a right-of-way exists
- to minimise need for training works the geology and soil conditions should be stable with minimal scouring, and minimal deposition and displacement of sediments (that is, little active erosion and meandering)
- select an area where the risk from environmental hazards such as floods and landslides is minimal
- the hydraulic effects of natural features (eg waterfalls) and artificial in-stream structures (eg weirs)
- avoid wetlands and floodplains
- avoid areas where the works could mobilise contaminated sediments
- avoid areas that have threatened species and pristine ecosystem Protected Environmental Values
- avoid areas with significant cultural heritage or geomorphological values
- select an area where disturbance to the riparian vegetation can be minimised
- select an area where public safety, use and enjoyment will not be compromised
- avoid areas of aesthetic value
- additional care will be needed if the crossing is upstream of domestic and town water supplies, aquaculture and other industrial off-takes, sensitive ecosystems, and recreational areas.

4. Bridges

Potential environmental effects

Reduces stream stability: Mobilising and removing alluvial material during construction, and scouring caused by the bridge's piers and footings can reduce the stability of the stream bed and banks.

Degrades water quality: Mobilising sediments during construction, and scouring caused by the bridge's piers and footings may increase the sediment load and turbidity of the waterway. Runoff from the bridge's decking and approach roads may also degrade water quality.

Destroys bank vegetation: The stream banks under bridges are usually permanently dry and shaded because light and moisture are blocked by the bridge. The resulting death of the vegetation cover can lead to instability of the banks, less filtering of overland flow, and a loss of food and shelter for animals.

Restricts movement of animals: The bridge footings and bank armouring may stop animals moving along the banks. This may force animals to use the nearby roads, which increases their chances of being killed on the road, particularly on busy roads.

Environmental design requirements

Before constructing a bridge a works plan should be prepared. The plan should outline the works to be undertaken and the measures that will be used to minimise the risk of causing environmental harm. The measures outlined should include those described below.

- Contractors and plant operators undertaking construction works in streams should adopt the principles outlined in *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands* to minimise the risk of causing environmental harm.
- The bridge should be designed and constructed to accommodate all flow conditions. Expert advice will be needed on a range of geographical, hydrological, hydraulic and geo-technical issues. If the bridge is to be used by the public and heavy vehicles, detailed design drawings should be submitted. The drawings should be certified by a qualified engineer and satisfy all the relevant Australian Standards.
- The bridge should be perpendicular to the waterway.
- The waterway's natural hydraulic regime should be preserved as much as possible. The piers and footings should be placed beyond the channel and above the high water mark to avoid constricting the channel and reducing the flow area.
- If the piers and footings must be placed in the channel, they should be parallel to the flow so the flow is not directed onto the banks. The minimum number of optimally shaped pylons should be used to minimise eddying and scouring of the waterway. Erosion protection should be included if scouring is likely to occur.
- Rock beaching is usually used on the batters to protect against scouring of the abutment because it is unlikely the area will revegetate due to a lack of light and moisture under the bridge. Generally, the beaching should extend three metres upstream and downstream of the bridge. The batters should be excavated to the depth of the beaching to maintain the channel area. The batter slope should be 1:1-1:2 (vertical:height). Generally, the beaching should extend at least 600 mm below the toe of the banks to prevent undermining. Rock beaching may not be needed if the banks are stable.
- Using grated decking on a multi-lane bridge, so light and moisture can penetrate, may be considered if the risk of pollution from road spills is minimal.
- If possible, enough space should be provided under the bridge for animals to walk along the banks.
- Steep approaches to the bridge should be avoided.
- Cross-fall drains should be used to drain water from the access road into a sediment trap or the roadside vegetation. The drains should be at least 20 metres away from the crossing.



The number of piers and footings should be kept to a minimum in stream channels

5. Culverts

Potential environmental effects

Degrades stream bed and associated habitats: If a culvert replaces a section of the stream, the stream bed and its associated aquatic and riparian habitats will be lost.

Initiates erosion of channel: If a culvert is installed too high - so the downstream end lies above the stream bed (perched culvert) - a waterfall will result. This can lead to bed scouring, bank erosion, and undercutting and structural damage of the culvert. If the culvert slope is too great, the increased water velocity can cause erosion downstream.

Initiates erosion around culvert: Confining the stream flow to a culvert may alter the flow regime and trigger erosion, deposition at the inlet, and scouring at the outlet.

Causes flooding: Blockage of culverts by waterborne debris can cause flooding during high flows. Bridges are better able to accommodate high flows.

Restricts fish movement: Tasmanian freshwater fish migrate downstream to estuaries to spawn and the juveniles migrate upstream. Fish have always had to overcome natural barriers, such as waterfalls and log-jams, when migrating. However, the expansion of forestry and urbanisation has greatly increased the number of barriers they face. A complete barrier can lead to extinction of migratory species upstream and possibly downstream. Tasmanian native freshwater fish cannot jump so a perched culvert with a drop of more than 10 centimetres will usually be a barrier to migration upstream. A survey of culverts in southern Tasmanian forestry catchments found that 50 percent of those surveyed did not allow fish to enter because of perching. A survey of culverts on Tasmanian roads would probably produce similar results.



Perched culverts are a barrier to fish passage

Culvert inlets constrict stream flow, which increases the flow velocity at the inlet. The increased velocity may make it difficult for fish to swim upstream out of the culvert.

When culvert gradients are more than 2 percent (1:50), the resultant high water velocities can make it difficult for native fish to swim through. The problem is more severe during high flows and in culverts with smooth walls, particularly if there are no resting places (eg behind baffles) in the culvert. A survey of culverts in southern Tasmanian forestry catchments found that 70 percent of those surveyed impeded the movement of fish because the culvert slope was greater than 2 percent (1:50). High water velocities can also impede the movement of other aquatic species, such as platypuses and water rats.

If several small pipes are used rather than one large barrel, the culverts may be too small for fish to swim through. The fish may also be reluctant to enter the culverts because they are too dark. Anecdotal information suggests that some platypuses and giant freshwater lobsters (*Astacopsis gouldi*) are killed on roads when avoiding such culverts.

Fish cannot swim large distances without resting. A lack of pools and rest areas immediately upstream and downstream of the culvert may make the culvert impassable if the distance they have to swim without a rest is too far.

Debris and sediment may block small diameter culverts particularly if trash screens or stock barriers have been installed. While total blockages are unlikely, the accumulated debris may stop migratory species passing through by creating a physical barrier or increasing flow velocity.

Reduces recreational use: Culverts may reduce recreational use of the river, particularly for fishing and canoeing.

Environmental design requirements

Before constructing a culvert/s a works plan should be prepared. The plan should outline the works to be undertaken and the measures that will be used to minimise the risk of causing environmental harm. The measures outlined should include those described below.

Round culverts are the most commonly used and worst designed culverts in terms of environmental outcomes. However, all culverts can cause significant environmental harm.

The flow characteristics and road alignment may restrict the design of culverts. Nevertheless, they should be designed and installed according to the following requirements.

- Contractors and plant operators installing culverts should adopt the principles outlined in *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands* to minimise the risk of causing environmental harm.
- The culvert's capacity should be able to accommodate peak flow volumes.

Open-bottom culverts with the natural streambed running through them are the preferred culvert structures

- Open-bottom culverts should not create a break in the bed substrate, and should be large enough not to constrict flows or trap debris during normal flow conditions.

If an open-bottom culvert is not possible, the following requirements apply

- One large culvert spanning the width of the waterway is preferable to two or more small culverts because it is usually more efficient hydraulically.
- If multiple culverts are needed to span the stream bed, one or more should be slightly lower than the others to concentrate low flows and allow fish to swim through.
- The culvert should be perpendicular to the flow to minimise the length needed (less than 4 metres) and allow fish to swim through.
- The culvert gradient should be similar to that of the stream, which should be gently sloping. If fish may be passing through, avoid using culverts on a waterway that has a gradient of more than 2 percent (1:50). The gradient immediately downstream of the culvert should be less than 5 percent (1:20) so fish can approach the culvert outlet.
- The culvert should not create any significant discontinuities in the water profile. Its size and placement should not cause ponding upstream, unless ponding is typical of the river reach. Perched culverts should be less than 10 centimetres above the receiving waters.
- If fish may be moving through the culvert, the culvert invert should be buried so a minimum of 20 percent of the diameter (round culvert) or 20 percent of the height (box culvert) lies below the channel bed. Generally, the invert should be placed so the water in the culvert is at least 200-500 millimetres deep during low flows.
- If the culvert gradient is 0.5-3.5 percent (1:200-1:30) the culvert diameter should be at least 1.25 times the width of the channel and the downstream invert should be embedded at least 20 percent below the stream bed. Natural substrate should be placed in the culvert if possible. This guideline applies only if the product of channel slope and culvert length is less than 20 percent of the culvert diameter.
- If possible, the culvert should be designed so its hydraulics are similar to that of the stream and the weakest fish species can swim through. The water depth should allow the largest fish species to remain submerged.
- The culvert should have at least 600 millimetres of space above the typical base flows so it is light enough inside that fish are not discouraged from entering and swimming through.
- Water velocities in the culvert should be similar to those at the site before the culvert was constructed. There should also be no differences in the flow rates upstream, in and downstream of the culvert.
- Baffles or large angular rocks typical of the area can be cemented along the base of longer concrete culverts to reduce flow velocities and allow fish and invertebrates to pass through. Lining the base of the culvert with a rough concrete finish and/or natural substrate will increase turbulence and make it easier for fish to swim through. Velocities of less than 0.3 metres/second will allow most native fish to swim through a 5 metre culvert. Placing small rocks along the base may also help other species, such as platypuses and water rats, pass through the culvert.
- Water velocities may be decreased and water depths increased by using appropriately designed tail-water control devices. These devices can be incorporated into the outlet-basin design.
- Fish resting pools constructed upstream and downstream of the culvert should be at least two metres long along the direction of flow, be deep enough for fish to remain submerged, and contain rocks and vegetation to provide cover. Aquatic and riparian plants can provide shading.

- Inlet and outlet flow velocities of less than 0.9 metres/second will not transport silt.
- A rip-rap apron should be placed up to six culvert diameters beyond the end of the pipe to prevent erosion downstream of the culvert outlet, particularly if the slope of the stream bed is greater than 2 percent (1:50). The apron should have a V-shaped cross-section so fish can swim through when water levels are low.
- The capacity of the culvert should be large enough to accommodate some deposition of gravel in the culvert.
- The culvert should be large enough to accommodate the anticipated debris and sediment load. The greater the anticipated load the greater the cross-sectional area needed for the culvert. Regular maintenance will be needed to remove debris and sediment and check for erosion.
- The culvert should not reduce the cross-sectional area of the channel and infilling of the channel should be avoided.
- Fill placed below the high water mark must be free of fines, sediment, soil, pollutants, contaminants, toxic materials and other waste materials.
- Steep approaches to the crossing should be avoided.
- Cross-fall drains should be used to drain water from the approach road into a sediment trap or the roadside vegetation. The drains should be at least 20 metres away from the crossing.

6. Causeways

Potential environmental effects

Initiates erosion: Poorly sited causeways can lead to erosion of the stream bed and banks. Scour holes may develop downstream of the causeway, and may undermine and outflank the structure. Restricted sediment transport and increased flow velocities may increase bed erosion.

Deposits sediment into river: Poorly designed causeway approaches can erode and deposit large amounts of sediment into the waterway.

Causes flooding: Causeways can cause more frequent local flooding if they restrict flows.

Restricts fish movement: In steep gradient streams, a drop may be created on the downstream side of the causeway. This may make it difficult for fish and other aquatic animals to cross. Many freshwater species, particularly fish, need to swim freely in rivers to survive. Fish blocked by structures are more likely to be taken by birds.

Environmental design requirements

Before constructing a causeway a works plan should be prepared. The plan should outline the works to be undertaken and the measures that will be used to minimise the risk of causing environmental harm. The measures outlined should include those described below.

- Contractors and plant operators constructing causeways should adopt the principles outlined in *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands* to minimise the risk of causing environmental harm.
- If a culvert is used it should comply with the environmental design requirements for culverts (see 'Section 5. Culverts').
- The causeway should be sited on a straight stretch of the waterway that has a minimal gradient.
- The causeway should be perpendicular to the waterway.
- The river's normal hydraulic regime should be preserved as much as possible.
- The site should have a stable substrate and scour resistant material immediately downstream.
- The causeway should not be sited near a riffle or pool if possible because of the likelihood of causing erosion and degrading aquatic habitat.
- Both ends of the causeway should be 'keyed in' to the bank for 3-5 metres.
- The surface of the causeway should be constructed of erosion-proof material, such as interlocking angular rock or concrete.
- Deep box cuts should be avoided on the approaches to the causeway.
- Cross-fall drains should be used to drain water from the approach road into a sediment trap or the roadside vegetation. The drains should be at least 20 metres away from the crossing.



Multi level culverts may allow fish to pass through causeways during low flows

7. Fords

Potential environmental effects

Initiates erosion: Poorly designed and sited fords may trigger stream bed and bank erosion. Scour holes may develop below the ford if the invert is higher than the stream bed. This may eventually undermine and outflank the ford. Poorly designed approaches to fords may erode and deposit large amounts of sediment into the waterway.

Destabilises channel: Frequent use of unhardened fords may destabilise the channel and cause bed and bank erosion and siltation.

Restricts sediment transport: Fords may block sediment moving downstream by acting as a weir. Restricted sediment transport and increased flow velocities may increase bed erosion downstream of the ford.

Causes flooding: Fords may increase the frequency of local flooding by restricting flows.

Restricts movement of fish and aquatic animals: Fixed structures, such as concrete fords, cannot adjust their form as the height of the stream bed changes. If the stream bed deepens in a steep gradient stream, a vertical drop and waterfall may develop on the downstream side of the ford. This may prevent or make it difficult for fish and other aquatic animals to travel upstream across the ford.

If the ford is made of smooth concrete, the increased water velocities may make it difficult for fish and other aquatic animals to cross.

Flows are often spread across the width of fords during low flows. As a result, the water may be too shallow to allow fish and other aquatic animals to cross.

Environmental design requirements

Before constructing a ford a works plan should be prepared. The plan should outline the works to be undertaken and the measures that will be used to minimise the risk of causing environmental harm. The measures outlined should include those described below.

- A ford is appropriate only if infrequent use is anticipated.
- Contractors and plant operators constructing fords should adopt the principles outlined in *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands* to minimise the risk of causing environmental harm.
- The ford should be constructed and used during the driest times of the year.
- The site of the ford should have a stable, non-erodible rock or bedrock base to minimise siltation from traffic. Sandy, vegetated and silty sites are not appropriate.
- The ford should be perpendicular to the waterway.
- If rocks are used to construct the ford, they should be almost level with the stream bed and they should not affect flows significantly. Only clean material from another site should be used. Excavating rock from the stream is rarely acceptable.
- The surface of the ford should be constructed of an erosion-proof material, such as interlocking angular rock or concrete.
- Concrete fords should have a 'V'-shaped or rounded notch on the thalweg of the stream (lowest point of main channel) so fish can swim across the ford during times of low flow. The 'V' or notch should be least 5 centimetres deep and 30 centimetres wide.
- Avoid deep box cuts on the approaches to the ford. The height of the banks adjacent to the ford should be less than 2 metres.
- Non-erodible material should be used on both banks to stabilise the approaches to the ford.
- The amount of vegetation removed adjacent to the ford should be minimised.



Fords should be perpendicular to the waterway on non-erodible substrate

- Cross-fall drains should be used to drain water from the approach road into a sediment trap or the roadside vegetation. The drains should be at least 20 metres away from the crossing.
- Grease, oil and other fluids should be cleaned off all vehicles before entering the ford.
- A fence may be needed to stop stock entering the stream from the ford.

8. Stock crossings

Potential environmental effects

Degrades stream bed and banks: Stock in waterways degrade stream beds and banks by destroying the vegetation cover, eroding the bed and banks, compacting the soil and introducing weeds.

Degrades water quality: Stock in waterways degrade water quality by stirring up sediment. They also increase the number of bacteria and viruses in the water when they defecate into waterways. If access is uncontrolled, injured and dead stock can contaminate the stream and threaten public health.



Uncontrolled stock access can destabilise the stream bed and banks and degrade water quality

Environmental design requirements

Before constructing a stock crossing a works plan should be prepared. The plan should outline the works to be undertaken and the measures that will be used to minimise the risk of causing environmental harm. The measures outlined should include those described below.

- Contractors and plant operators constructing stock crossings should adopt the principles outlined in *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands* to minimise the risk of causing environmental harm.
- Stock crossings should not be used as watering points.
- If a naturally hardened substrate is not available, modification of the stream should be limited to hardening the stream bed.
- The approaches should be constructed of gravel or stone.
- Smooth approach ramps and walkways allow manure to be removed with a scraper.
- Electric fences should be placed on both sides of the walkway to stop stock moving along the stream bed and banks. Alternatively, plain-wire fences may be used because they are easily repaired and replaced after floods. Mesh-type fences (eg ringlock) should not be used because they catch debris and restrict flood flows.

If a temporary watering point is needed

- Allow stock to drink only at properly constructed and controlled access points. The watering point should be located on the downstream side of an inside bend that is not prone to erosion.
- Fencing off the riparian zone allows the timing, intensity and duration of stock access to the waterway to be controlled. Fences around the watering point should extend into the water.
- Providing water in troughs and dams away from the stream is better than creating a temporary watering point along the bank.

9. Ongoing maintenance

All stream crossings should be maintained regularly to minimise the risk of causing erosion and flooding, and obstructing the passage of fish and other animals. Regular inspections and maintenance should be carried out on new crossings, after periods of high flow, and before fish and other animals begin migrating. The inspection and maintenance should

- clear debris from the crossing's surface, entrance and exit
- remove excess silt from the entrance and exit of the culvert/s if more than a third of the entrance is blocked.
- make sure erosion is not being exacerbated.

10. Removing crossings

Stream crossings impede the movement of migratory fish and other animals. If a crossing is no longer being used, consider removing it and rehabilitating the site. Seek advice from the Inland Fisheries Service before removing any crossings.

11. References

Alberta Environment. 2001. *Guide to the Code of Practice for Watercourse Crossings, including Guidelines for Complying with the Code of Practice*. Alberta Environment, Edmonton.
www.gov.ab.ca/env/water/Legislation/CoP/WatercourseGuide.pdf

Cotterell, E. 1998. *Fish Passage in Streams: Fisheries Guidelines for Design of Stream Crossings. Fisheries Habitat Guideline No. 001*. Queensland Department of Primary Industries, Brisbane.
<http://www.dpi.qld.gov.au/extra/pdf/fishweb/fhg001.pdf>

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www.gov.nf.ca/env/Env/waterres/Investigations/Env_Approvals.asp

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www.fisheries.nsw.gov.au/conservation/policies/pdf/brochure.pdf

Inland Fisheries Service. 2001. *Culvert Use Guidelines for Aquatic Fauna Passage*. IFS, Hobart.

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Walker, R. 1999. *Examination of the Barriers to Movement of Tasmanian Freshwater Fish Species*. Honours thesis. University of Tasmania, Hobart.

Witheridge, G. 2003. *Fish Passage Requirement for Waterway Crossings: Engineering Guidelines*. Institute of Public Works Engineering, Sydney. (in press)

These guidelines should be used in conjunction with the appropriate technical advice and literature.

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Checklist

This checklist summarises the environmental design requirements outlined in *Environmental Best Practice Guidelines 5. Siting and Designing Stream Crossings*. The plan of works prepared should describe the proposed works and show that the measures listed below will be used to minimise the risk of causing environmental harm during and after the works.

- Works plan prepared

Stream crossing types (Section 2)

- Crossing type appropriate

Site selection (Section 3)

- Stream straight and well defined
- Right-of-way exists
- Geology and soil conditions appropriate
- No major environmental hazards
- Flow not affected by in-stream natural features or other structures
- Not wetland or floodplain
- Contaminated sediments not likely to be mobilised
- Threatened flora and fauna protected
- No pristine ecosystem Protected Environmental Values
- Sensitive ecosystems protected
- Cultural heritage and geomorphological values protected
- Vegetation disturbance minimised
- Public safety and use not compromised
- Minimal aesthetic effects
- Downstream town and domestic water supplies protected
- Sensitive downstream industrial off-takes protected

Bridges (Section 4)

- Works conform to *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands*
- Engineering advice sought
- Design drawings comply with Australian Standards
- Perpendicular to waterway
- Piers and footings designed and sited appropriately
- Appropriate rock beaching used
- Grated decking considered
- Terrestrial access along stream banks provided
- Approaches well designed
- Sediment control measures used

Culverts (Section 5)

- Works conform to *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands*
- Expert advice sought
- Retains natural stream bed
- Peak flow capacity adequate
- Low flows concentrated
- Perpendicular to flow
- Length does not restrict movement of aquatic animals
- Gradient approximates stream gradient
- No ponding upstream
- Drop less than 10 cm in perched culverts
- Pipe culvert embedded in stream bed
- Culvert size allows light entry
- Natural flow velocities retained
- Internal surface modified to reduce water velocities
- Tail-water control devices considered
- Shaded fish resting pools upstream and downstream of culvert
- Erosion control at outlet if necessary
- Anticipated sediment and debris load accommodated
- Fill material effects minimal
- Approaches well designed
- Sediment control measures used

Causeways (Section 6)

- Works conform to *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands*
- Expert advice sought
- Complies with culvert environmental design requirements
- Site appropriate
- Perpendicular to flow
- Stream substrate stable
- Not sited near riffle or pool
- Causeway 'keyed in' to banks
- Roughened erosion-proof surface used
- Approaches well designed
- Sediment control measures used

Fords (Section 7)

- Frequency of use appropriate
- Expert advice sought (depending on scale of works)
- Works conform to *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands*
- Site appropriate
- Minimal effects on flows
- Substrate stable
- Approaches well designed and stable
- Roughened erosion-proof surface used
- Fish able to cross during low flows
- Fenced off to control stock access
- Sediment control measures used

Stock crossings (Section 8)

- Expert advice sought (depending on scale of works)
- Works conform to *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands*
- Site and substrate appropriate
- Walkway at or near stream bed level
- Minimal effects on flow
- Fenced off to control stock access
- Off-stream watering points considered
- Access points hardened
- Sediment control measures used

Ongoing maintenance (Section 9)

- Maintenance program prepared

Environmental Best Practice Guidelines 6.

Managing Large Woody Debris in Waterways

Branches, large limbs and trees that have fallen into rivers are commonly referred to as large woody debris (LWD) or snags. LWD is a vital component of Tasmanian waterways and its removal can severely degrade their health.

'De-snagging' and the removal of vegetation for forestry and agriculture has reduced the amount of LWD in our waterways. More willows and fewer native trees in riparian areas has also led to changes in the amount and type of LWD. All three processes have reduced the richness and density of macro-invertebrates in our waterways.



Woody debris is a vital component of healthy waterways

In recent years, a better understanding of the importance of LWD for aquatic ecosystems has led to changes in the way our rivers are managed. The focus of management has shifted from widespread 'de-snagging' of streams to maintaining and re-introducing LWD into streams.

When managing LWD in waterways, the challenge is to weigh up the ecological benefits of retaining the LWD against the possible adverse changes in river level the LWD may cause.

1. Importance of LWD

Stabilises river beds and banks: LWD decreases erosion of river beds and banks by resisting and deflecting flows.

Provides fish habitat: LWD provides shelter from high velocity flows, shade, feeding and spawning sites, nurseries for larvae and juvenile fish, territory markers for migratory fish, and refuges from predation. For example, river blackfish use hollow logs in the LWD for protection while spawning in spring and early summer.

Provides niche habitat: LWD creates a range of flow conditions from deep pools to chutes and aerated water, which provide a variety of habitats for aquatic plants and animals.

Improves water quality: LWD oxygenates the water flowing over it during low flows and reduces water stagnation. This increases the availability of oxygen for fish and reduces odours.

Provides space for colonisation: LWD provides a range of surfaces, including grooves, splits and hollows, on which invertebrates, microbes and algae can colonise. These tiny organisms lie at the bottom of the food chain and provide food - directly and indirectly - for all the animals living in the stream, including macro-invertebrates, fish, water rats and platypuses.

Provides food: The dissolved and particulate organic material (carbon) from LWD is an important source of food for aquatic invertebrates and fish. For example, the giant freshwater lobster (*Astacopsis gouldi*), which is listed in Commonwealth and Tasmanian threatened species legislation, relies on decaying wood for its diet.

Supports invertebrate life cycle: Many aquatic invertebrates have a terrestrial adult stage. These species need LWD that protrudes out the water so they can emerge from the larval to the adult stage of their life cycle.

Aids re-colonisation: Scour pools formed by LWD provide pockets of habitat for aquatic species in streams with little or no summer flows. The species living in these pools provide a reservoir of species that migrate and colonise the rest of the stream when flows increase.

Provides perches: Birds, reptiles and mammals use protruding LWD as resting, foraging and lookout sites.

Provides alternative food sources: LWD may be the main source of food for aquatic animals if streams in the catchment have been extensively dammed and stripped of their riparian vegetation.

2. Re-positioning LWD

Re-positioning LWD is an option if the debris is causing detrimental variations in flow and removing it cannot be justified on economic and ecological grounds. The objective of re-positioning is to minimise the negative effects on flow while still maintaining an ecologically desirable range of flow velocities and water depths in the channel.

Potential environmental effects

Initiates bank erosion: Re-positioning LWD may initiate bank erosion by diverting flows. The likelihood that LWD will initiate erosion depends on the alignment and size of the debris, the flow velocity and depth of the river, and the composition of the bed and banks. Generally, the likelihood of erosion decreases as river size increases.

Mobilises sediment: Re-positioning LWD may increase the maximum stream velocity in the centre of the river, which may mobilise bed sediment and deepen the stream. Sometimes, relocating LWD causes more problems than leaving it in place.

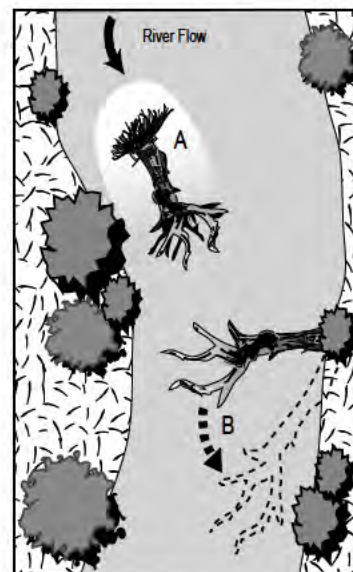
Degrades water quality: Short-term disturbance of sediment during re-alignment, and long-term erosion and mobilisation of sediment after re-alignment may degrade water quality.

Destroys habitat and food sources: Excessive re-alignment of logs closer to the bank may disturb or destroy existing aquatic habitats and food sources.

Environmental management principles

Before re-positioning LWD a works plan should be prepared. The plan should outline the works to be undertaken and the measures that will be used to minimise the risk of causing environmental harm. The measures outlined should include those described below.

- Undertaking works in waterways without expert advice can cause environmental harm that may be difficult and expensive to remediate. Depending on the scale of the works, advice may be needed from one or more experts, including a stream biologist, river engineer, fluvial geomorphologist or hydrologist.
- A proposal for re-positioning LWD should be treated like any other development needing council approval. A management proposal should be prepared that justifies the project and states its objectives (supported by hydraulic calculations that show the effects on velocity and flow), evaluates the environmental impact, and specifies the intended works. All relevant agencies and interested parties should be given the opportunity to comment on the proposed works.
- Works in or near streams should adopt the principles outlined in *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands* to minimise the risk of causing environmental harm.
- Logs lying perpendicular to the flow should be rotated so they lie closer to the bank at an angle of 0-40°. This should improve the capacity of the channel to carry peak flows while retaining a reasonable variety of habitats. Placing LWD this way creates lower water levels, maintains the surface area of the debris for aquatic plants and animals, and increases the availability of low velocity habitats.
- Placing all the logs along the edge of the stream bank will improve the flow capacity but reduce the availability of slow water habitats. While the LWD should be roughly aligned to the direction of flow, it should be placed in a variety of locations and alignments so it creates a variety of habitats. It should also be arranged so it is closely spaced.
- It may be necessary to anchor the re-positioned LWD so it is not carried away during high flows.
- The works should be inspected and maintained regularly to make sure they are effective.



LWD provides feeding and refuge areas for fish and other aquatic species. Hydraulic forces around LWD contribute structural diversity to the river bed - eg upstream scour pools (A). LWD should not be disturbed unless it is shown to be causing unacceptable flooding or erosion. If action is required, re-aligning LWD nearer to the bank is preferred to removal (B).

3. Removing LWD

In the past, river management agencies and landowner groups and individuals removed LWD from rivers - often because they were concerned it could cause flooding. However, there is little evidence to support the argument that removing LWD reduces the frequency of floods or improves the capacity of rivers to carry floods.

A river channel must be blocked substantially before the movement of flood waters is affected. Such blockages are generally obvious and would usually be described as a log-jam. LWD that lies perpendicular to the flow and covers more than 10 percent of the channel's cross-section may increase the likelihood of the stream flowing over its banks during floods. Smaller LWD has little effect on water levels.

Potential environmental effects

Initiates erosion and mobilises sediment: Removing LWD reduces the resistance to flow and may divert flows. This may trigger channel instability and further erosion without alleviating the flooding problem. Removing LWD may also increase the maximum stream velocity in the centre of the river, which may mobilise bed sediment and deepen the stream bed.

Degrades water quality: Short-term disturbance of sediment during removal, and long-term erosion and mobilisation of sediment after removal may degrade water quality.

Exacerbates flooding downstream: Complete removal of LWD and riparian vegetation in the middle to upper catchment may increase flow conveyance and exacerbate flooding problems for towns and properties downstream.

Destroys habitat and food sources: Removing LWD may disturb or destroy aquatic habitats and food sources.

Environmental management principles

Before removing LWD a works plan should be prepared. The plan should outline the works to be undertaken and the measures that will be used to minimise the risk of causing environmental harm. The measures outlined should include those described below.

- The preferred - and the most effective and cheapest - approach is to leave the LWD undisturbed, unless it is causing unacceptable flooding or severe erosion.
- If a log-jam is causing flooding it may be possible to re-position the tree trunks or lop the limbs. Re-positioning the fallen tree trunks so they are more closely aligned to the bank will reduce the effect they have on river levels while still maintaining their ecological benefits. Lopping the limbs to reduce the amount of debris they trap may reduce their effect on flow levels.
- Removing the LWD may be the only option if the debris is blocking a large proportion of the channel and it cannot be re-positioned, is hazardous to recreational users, or becomes trapped around a bridge and creates a safety hazard.
- Undertaking works in waterways without expert advice can cause environmental harm that may be difficult and expensive to remediate. Depending on the scale of the works, advice may be needed from one or more experts, including a stream biologist, river engineer, fluvial geomorphologist or hydrologist.
- A proposal for removing LWD should be treated like any other development needing council approval. A management proposal should be prepared that justifies the project and states its objectives (supported by hydraulic calculations that show the effects on velocity and flow), evaluates the environmental impact, and specifies the intended works. All relevant agencies and interested parties should be given the opportunity to comment on the proposed works.
- Works in or near streams should adopt the principles outlined in *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands* to minimise the risk of causing environmental harm.
- If long-lasting hardwoods are being removed, consider relocating the wood or storing it for future habitat restoration works.
- The works should be inspected and maintained regularly to make sure they are effective.

4. Re-introducing LWD

Extensive clearing of riparian and floodplain vegetation has removed the sources of LWD in many of our waterways. Even if successful stream bank revegetation has been undertaken, it may take hundreds of years to generate a new supply of LWD. Re-introducing LWD should be considered when restoring rivers to speed up their recovery. This will complement the effects of revegetating the banks and improve the river's ecological health.

Potential environmental effects

Re-introducing LWD will usually improve the river's health. However, it can cause detrimental environmental effects.

Degrades water quality: Short-term mobilisation of sediment when re-introducing LWD, and long-term erosion and mobilisation of sediment after re-introducing LWD may degrade water quality.

Destroys habitat: Re-introducing LWD can change the stream's hydraulic regime. This may lead to a loss of the plants and animals that were adapted to the previous conditions at the site.

Environmental management principles

Before re-introducing LWD a works plan should be prepared. The plan should outline the works to be undertaken and the measures that will be used to minimise the risk of causing environmental harm. The measures outlined should include those described below.

- Undertaking works in waterways without expert advice can cause environmental harm that may be difficult and expensive to remediate. Depending on the scale of the works, advice may be needed from one or more experts, including a stream biologist, river engineer, fluvial geomorphologist or hydrologist.
- A proposal for re-introducing LWD should be treated like any other development needing council approval. A management proposal should be prepared that justifies the project and states its objectives (supported by hydraulic calculations that show the effects on velocity and flow), evaluates the environmental impact, and specifies the intended works. All relevant agencies and interested parties should be given the opportunity to comment on the proposed works.
- Works in or near streams should adopt the principles outlined in *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands* to minimise the risk of causing environmental harm.
- LWD loads vary according to the type of river and river reach (ranging from zero upwards). Similar healthy, unmodified river reaches in the catchment should be used as models to determine the amount of LWD needed.
- The LWD should be placed on the downstream end of outside bends and have a range of alignments. When deciding where to place the LWD consider whether access to the bank by machinery may be needed in the future, whether single objects or more complex structures would be more appropriate, how much LWD should protrude above the water, and the reduction in flow velocities needed.
- A range of debris sizes should be used to promote habitat diversity. Native species should be used rather than introduced species (willows) and artificial materials (car bodies and concrete).
- The timber used should not come from the river's banks or floodplain. Logging waste may be a suitable alternative.
- Changed hydraulic conditions may cause erosion and scouring of the bed and banks around the LWD. This is not necessarily a problem as it may increase habitat diversity. Creating a wide enough riparian buffer zone will ensure the erosion cannot damage fences and other structures further away.
- It may be necessary to anchor the LWD so it is not carried away during high flows.
- The works should be inspected and maintained regularly to make sure they are effective. The ongoing maintenance may include lopping, re-alignment and selective removal.



Re-introducing LWD can help improve stream health.

5. References

Inland Fisheries Service. 2000. *Rivercare Management, Fish and Habitat Facts: Large Woody Debris. Rivercare Management Fact Sheet No. 4.* IFS, Hobart.

http://www.ifs.tas.gov.au/Fact%20sheets%20for%20Rivercare/woody_debris.html

Land & Water Resources Research & Development Corporation. 2000. *Managing Snags and Large Woody Debris. Rip Rap Magazine, 16.* LWRRDC, Canberra.

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Lovett, S. & Price, P. (eds). 2002. *Riparian Land Management Technical Guidelines Volume 1: Principles of Sound Management and Volume 2: On-ground Management Tools and Techniques.* Land & Water Australia, Canberra. <http://www.rivers.gov.au/publicat/guidelines.htm>

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These guidelines should be used in conjunction with the appropriate technical advice and literature.

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Checklist

This checklist summarises the environmental management principles outlined in *Environmental Best Practice Guidelines 6. Managing Large Woody Debris in Waterways*. The plan of works prepared should describe the proposed works and show that the measures listed below will be used to minimise the risk of causing environmental harm during and after the works.

- Works plan prepared

Re-positioning LWD (Section 2)

- Expert advice sought
- Management proposal prepared
- Works conform to *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands*
- Logs aligned at angle of 0-40° to stream bank
- Logs placed in variety of locations and alignments
- LWD anchored if necessary
- Inspection and maintenance program prepared

Removing LWD (Section 3)

- Leaving LWD undisturbed considered
- Re-positioning of trunks and lopping of limbs considered
- Expert advice sought
- Management proposal prepared
- Works conform to *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands*
- Extracted hardwoods relocated or stored for future use
- Inspection and maintenance program prepared

Re-introducing LWD (Section 4)

- Expert advice sought
- Management proposal prepared
- Works conform to *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands*
- LWD load modelled on similar healthy, unmodified reaches
- LWD placed on outside bends with range of alignments
- Native timber with range of debris sizes used
- Timber does not come from banks or floodplain
- Riparian buffer zone wide enough
- LWD anchored if necessary
- Inspection and maintenance program prepared

Environmental Best Practice Guidelines 7.

Managing Riparian Vegetation

1. What is a riparian zone?

Riparian zones are areas of land that adjoin, influence or are influenced by a body of water. Typical examples are river banks, floodplains, lake foreshores and wetland fringes.

Riparian 'buffer' zones are fenced-off (usually) areas within riparian zones that are managed or reserved to protect the waterway or wetland, or provide a transition between the waterway or wetland and the adjacent land. The width and extent of a buffer zone depends on the management objectives. It may be only 20-30 metres wide if the objective is to protect bank stability. However, it may extend the entire width of a floodplain if the objective is to prevent damage from flooding. In some cases, the width of riparian reserves along larger waterways is set by statutory processes rather than management needs.

2. Importance of riparian vegetation

Healthy riparian zones are essential for maintaining healthy ecosystems and economic productivity along rivers. Some riparian zones in rural and urban landscapes are degraded and should be rehabilitated. The key to preserving the value of a riparian zone is to maintain a diverse vegetation cover.

A healthy riparian vegetation cover	A degraded riparian vegetation cover
Supports a diversity of aquatic habitats.	Has fewer aquatic habitats because there is less live and dead aquatic vegetation.
Shades the river, which reduces fluctuations in water temperature.	Allows more light to reach the river, which increases water temperature, which may trigger algal growth and reduce water quality.
Stabilises the stream banks.	Reduces the stability of the stream banks because there are fewer roots and less vegetation to hold the soil together.
Filters sediments and nutrients from the surface and sub-surface water, which reduces pollution of the river.	Allows sediments and pollutants in the surface and sub-surface water to enter the river, which may pollute the river.
Is a high productivity zone that provides food for aquatic animals.	Deposits less organic matter into the stream, which means there is less food for aquatic animals.
Adds agricultural value to the property by allowing selective timber harvesting, forage production and apiculture; providing a windbreak for adjoining paddocks; and providing emergency feed.	
Adds to the capital value of the land.	
	Deposits little woody debris into the river, which reduces stream 'roughness' and affects the flow regime.
	Can alter the depth of the water table and exacerbate the effects of salinity.



Healthy riparian vegetation cover



Severely degraded riparian vegetation cover

3. Threats to riparian zones

In many areas the only healthy riparian zones are patches of remnant vegetation. Many of these areas are threatened by human activities, including vegetation clearance, water regulation, fire, weeds, cattle grazing, and changes to ground-water conditions. Natural disturbances, such as floods, fire and extreme climatic conditions, can also threaten degraded or stressed riparian ecosystems.

4. Environmental management principles

If works in waterways and wetlands may affect the riparian zone, the works plan should describe the measures that will be used to minimise the risk of causing environmental harm to the riparian zone. The principles for managing riparian areas are described below.

Information on planning and managing activities in riparian zones can be found in the publications listed in 'Section 6. References'. Most of these publications are available on the internet.

Information on plant communities and threatened species is available on the Department of Primary Industries, Water and Environment (DPIWE) website at www.gisparks.tas.gov.au.

Preserve remnant vegetation

It is easier to protect riparian zones in reasonable to good condition than it is to remediate seriously degraded ones. The first priority for managing reasonably healthy riparian areas should be to preserve the remnant native vegetation by minimising human disturbances.

Seek expert advice

In some situations - very active bank erosion, foreshore improvement and so on - remediation and revegetation will be necessary. These projects are more likely to be successful if groups draw on the experiences of others when planning and implementing their works. This can be done by reviewing relevant publications, talking to individuals and groups that have done similar works, and seeking the advice of riparian ecologists and botanists.

Fence off riparian zone

Livestock are a major cause of damage to riparian vegetation on rural land. Excluding stock from riparian zones usually leads to a steady improvement in land condition, vegetation cover, stream health and water quality. Appropriate fencing makes it possible to exclude stock from riparian zones. It also allows access by stock when needed for emergency feed and weed control.

Buffer width should reflect management objectives

The width of a riparian buffer zone will be determined by the management objectives for the area and the site characteristics. The zone should be wide enough to achieve the management objectives for the area. The site characteristics that should be considered include slope, soil texture and erodibility, drainage area, bank height, adjacent land use and existing vegetation. The large number of factors to be considered means that, although setting 'generic' widths for riparian zones at a regional or state level offers some protection for waterways, a detailed analysis is needed to determine the most appropriate width. For example, the publication *Guidelines for Stabilising Streambanks with Riparian Vegetation* (Abernethy & Rutherford, 1999) (see 'Section 6. References') describes a method for determining the width needed for a buffer zone designed to stabilise the banks.



Uncontrolled stock access can cause serious bank erosion

Ideally, a riparian zone should be as large as possible. This will maximise the benefits of the riparian vegetation and minimise the effects of the adjacent land use on the waterway.

Stabilise channel

Stream beds should be stabilised before revegetation works begin. If a channel is actively deepening and widening, fencing off and revegetating the riparian zone will not stabilise the channel and its banks. In this situation, stream-bed control structures should be installed and the banks protected before revegetation begins.

Use native species

Native vegetation along degraded Tasmanian waterways may regenerate without replanting if stock are excluded and weeds controlled. If revegetation is necessary, advice should be sought on the most appropriate species for the site. Using inappropriate species, such as willows, may cause environmental harm that may be difficult and expensive to remediate. The species composition and community structure of the vegetation will vary with distance from the waterway or wetland as soil conditions become drier.

Remove weeds

Planning and ongoing maintenance are essential components of all weed removal programs. Removing weeds, such as gorse and willows, from waterways and riparian zones without timely revegetation can lead to erosion, bank instability, and loss of animal habitat and food.

If using chemical sprays, select the right chemicals so that the weeds are controlled without killing animals, such as frogs and fish, in the waterway. Contact a DPIWE Regional Weed Management Officer for information on the most appropriate sprays to use. Further information is also available in the Rivercare Guidelines for Safe and Effective Herbicide Use near Water (Noble, 2002), which is available on the DPIWE website.

Preserve small and large waterways

Riparian vegetation is critical for maintaining healthy ecosystems in small waterways and the upper reaches of large waterways. Leafy and woody debris from the riparian vegetation of small waterways is essential for local aquatic ecosystems. It is also an important source of carbon and nutrients for ecosystems downstream, where there is less shading and less leafy and woody debris entering the waterway.

If resources are scarce and the objective of management is protecting the riverine environment, preserving the riparian vegetation along small waterways should be given the same or greater priority as preserving the riparian vegetation along large waterways.

5. Riparian clearance controls

Forest Practices Board

The Forest Practices Act 1985 and the Forest Practices Regulations 1997 prohibit forest clearing on defined 'vulnerable land', such as stream-side reserves, drainage lines and swamps, even if no commercial wood is produced. The only exception to this is if the works are undertaken to protect public safety or maintain existing infrastructure, such as roads, fences and buildings. In such cases, the volume of timber cleared must be less than 5 tonnes or cover an area of less than 1 hectare (whichever is the lesser) per year on any property.

This clearance prohibition applies to all woody plants with a height or potential height of 5 metres or more, whether live, dead, standing or fallen. It includes all species native to Tasmania, including tree ferns, as well as introduced species used for processing or harvesting timber, such as pine and eucalypt plantings. It does not extend to removing non-native species, such as willows and fruit trees.

Selective harvesting on vulnerable land may be permitted in certain circumstances. Any harvesting must be approved under a Forest Practices Plan (FPP), certified by a Forest Practices Officer, and comply with the Forest Practices Code 2000. Exemptions from a FPP apply for small-scale operations where

- the owner of the land gives consent; and
- the harvesting of trees is necessary to protect public safety or maintain existing infrastructure, such as roads, fences and buildings; and
- the volume of timber harvested is less than 5 tonnes or the area of land cleared is less than 1 hectare (whichever is the lesser) on any property per year.

Exemptions also apply for harvesting timber and clearing trees for the development of easements for powerlines, gas pipelines and public roads.

Protecting vulnerable land is regarded as a duty of care. Substantial penalties can result from failure to comply with these requirements. Further information is available from the Forest Practices Board (<http://www.fpb.tas.gov.au/fpb>).

Local government

Planning schemes vary as to whether a permit is required to remove riparian vegetation on private and Crown land. In those municipalities where a permit is required, variations exist as to what land-use activities are considered exempt.

Some recent planning schemes incorporate a Wetlands and Waterways Schedule, which specifies the objectives and standards for development in or near waterways and wetlands. While the details of the Schedule vary between planning schemes, they typically cover general works, road construction, water quality protection, and riparian vegetation clearance (see generic example in box).

A key objective of the Schedule is to maintain riparian vegetation. This provides a natural filter for nutrients and soluble pollutants, prevents erosion and increased sediment flows, and provides habitat to preserve biological diversity. In implementing the Schedule, removing vegetation is generally prohibited within a set distance of the outer boundary of a stream bank of a waterway or a wetland. Removing vegetation within this distance may be approved if it can be demonstrated that the performance criteria have been met.

Issue: Riparian Vegetation	
Objective	
To maintain riparian vegetation as a natural filter for nutrients and soluble pollutants, and to prevent erosion and increased sediment flows.	
Acceptable solution	Performance criteria
a) No vegetation is to be removed in or within 30 metres of <ul style="list-style-type: none"> i) a permanent wetland ii) a waterway iii) a shoreline or estuary. 	a) If it is proposed to remove vegetation in or within 30 metres of the boundary of a waterway or wetland, applicants should demonstrate through a plan of management how <ul style="list-style-type: none"> i) the capacity of the remaining vegetation to act as a natural filter for nutrients and soluble pollutants will not be adversely affected ii) increased sediment flows will be prevented iii) biological diversity will be maintained iv) weeds will be removed in accordance with best practice environmental management principles.
b) No filling, draining or alteration of the water level of a naturally occurring waterway or wetland is allowed.	b) Any development or works affecting the water level of any naturally occurring waterway or wetland must not adversely affect natural flows and there is to be no increase in erosion or sedimentation as a result of the development or works.

Other controls

Clearing riparian vegetation can trigger a number of other legislative requirements

- Environmental Management and Pollution Control Act 1994
- Crown Lands Act 1976
- National Parks and Wildlife Act 1970
- Threatened Species Protection Act 1995
- Environment Protection and Biodiversity Conservation Act 1999
- Aboriginal Relics Act 1975
- Agricultural and Veterinary Chemicals (Control of Use) Act 1995.

These statutory requirements are outlined in *Environmental Best Practice Guidelines 1. Legislative and Policy Requirements for Protecting Waterways and Wetlands when Undertaking Works*. The relevant government agencies should be contacted for further advice.

6. References

Abernethy, B. & Rutherford, I. 1999. *Guidelines for Stabilising Streambanks with Riparian Vegetation*. Technical Report 99/10. Co-operative Research Centre for Catchment Hydrology, Melbourne. <http://www.catchment.crc.org.au/pdfs/technical199910.pdf>

Bryant, S. & Jackson, J. 1999. *Tasmania's Threatened Fauna Handbook*. Threatened Species Unit, Department of Primary Industries, Water & Environment, Hobart. <http://www.dpiwe.tas.gov.au>

Forest Practices Board. 2002. *Information Sheet: Land Clearing*. FPB, Hobart. <http://www.fpb.tas.gov.au/fpb/>

Kirkpatrick, J.B. & Gilfedder, L.A. 1999. *Tasmanian Bushcare Toolkit*. Department of Primary Industries, Water & Environment, Hobart. <http://www.bushcare.tas.gov.au>

Lovett, S. & Price, P. (eds). 2002. *Riparian Land Management Technical Guidelines Volume 1: Principles of Sound Management and Volume 2: On-ground Management Tools and Techniques*. Land & Water Australia, Canberra. <http://www.rivers.gov.au/publicat/guidelines.htm>

Munks, S. 1996. *A Guide to Riparian Vegetation and its Management*. Department of Primary Industries & Fisheries, Hobart.

Noble, M. 2002. *Rivercare Guidelines for Safe and Effective Herbicide Use near Water*. Department of Primary Industries, Water & Environment. <http://www.dpiwe.tas.gov.au/inter.nsf/Attachments/JMUY-5CH7M2?open>

Parker, G. & Bower, D. 1996. *Willow Management Guidelines*. Department of Primary Industries, Water & Environment, Hobart.

Price, P. & Lovett, S. 2002. *Managing Riparian Land. Fact Sheet 1*. Land & Water Australia, Canberra. <http://www.rivers.gov.au/manage/index.htm>

Price, P. & Lovett, S. 2002. *Riparian Habitat for Wildlife. Fact Sheet 5*. Land & Water Australia, Canberra. <http://www.rivers.gov.au/manage/index.htm>

Rutherford, I., Jerie, K. & Marsh, N. 2000. *A Rehabilitation Manual for Australian Streams, Volumes 1 and 2*. Land & Water Resources Research & Development Corporation, Canberra. <http://www.rivers.gov.au/publicat.htm>

Tasmanian Bushcare Reference Panel. 1999. *Vegetation Management Strategy for Tasmania*. Department of Primary Industries, Water & Environment, Hobart. <http://www.nht.tas.gov.au/guides/vmst.pdf>

Thorp, V. 1999. *Restoring Wetlands and Waterways: A Guide to Action*. Tasmanian Environment Centre, Hobart.

Wright, D. & Jacobson, T. 2000. *Managing Streambanks: Stock Control, Fencing and Watering Options*. Department of Primary Industries, Water & Environment, Tasmania.

These guidelines should be used in conjunction with the appropriate technical advice and literature.

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Checklist

This checklist summarises the environmental management principles outlined in *Environmental Best Practice Guidelines 7. Managing Riparian Vegetation*. The works plan prepared for any works in waterways and wetlands that may affect the riparian zone should show that the measures listed below will be used to minimise the risk of causing environmental harm to the riparian zone during and after the works.

- Remnant vegetation preserved
- Expert advice sought
- Riparian zone fenced off
- Width of riparian zone reflects management objectives
- Channel stabilised
- Appropriate native species used for revegetation
- Weed removal program prepared
- Management plan prepared

Environmental Best Practice Guidelines 8.

Guiding Community Involvement in Works on Waterways and Wetlands

Tasmania has a long history of community involvement in works on the State's waterways and wetlands. Traditionally, the community has been involved in irrigation and drainage schemes, 'river improvement' schemes, and farm dam construction. In recent years, Landcare, Rivercare and Waterwatch groups have protected, monitored, managed and rehabilitated waterways and wetlands around the State.

The Rivercare Program was established to ensure progress towards the sustainable management, rehabilitation and conservation of rivers. Many Rivercare projects in Tasmania are carried out by community groups so the State Government has developed a framework to help groups plan and implement their projects. Rivercare Plans are a key component of that framework, which are designed to

- achieve sustainable outcomes for works in and along rivers by ensuring that the works are appropriate, effective, and in accordance with other activities in the catchment
- foster community spirit and cohesion in managing rivers
- ensure appropriate work practices are adopted
- encourage groups to continue maintaining and improving rivers after their projects have finished.

Community groups are advised to seek advice and support from their local council before starting their project. When notified of a proposed project, council staff should find out if the group has a plan. If not, they should suggest that one be developed as part of the assessment process. The nature of the plan will depend on the scale of the project. All projects funded by government, including National Heritage Trust and local community grants, and most self-funded projects will need a Rivercare Plan. Smaller self-funded works may only need a works plan.

1. Developing a Rivercare Plan

Guidelines for Planning Rivercare Projects in Tasmania has been produced by the Tasmanian Rivercare Technical Assessment Panel (TRTAP) and the Department of Primary Industries, Water and Environment (DPIWE) (2000) to help community groups plan their Rivercare projects. Community groups should be encouraged to use the Guidelines when developing their project. The Guidelines can be downloaded from the DPIWE website at www.dpiwe.tas.gov.au.

The steps involved in developing a Rivercare Plan are

1. Vision for the river
2. Assess river condition
3. Management issues and objectives
4. Technical assessment and advice
5. Schedule of works
6. Links with other plans and processes
7. Monitoring the project
8. Provision for maintenance
9. Display and endorsement of the plan
10. Submit Rivercare Plan or works plan to council for assessment

Groups should be encouraged to see their Rivercare Plan as a 'living document' that states their community's long-term vision for the river and outlines the works they want to do, both in the immediate future and over the next 5-10 years.

1. Vision for the river

Groups should define their vision for the river and its catchment. The vision statement can be as short or as long as the group wants, provided it adequately describes their collective vision for the river. It may describe the river's look and 'feel', quality, riverine environment, riparian vegetation, birds and animals, agricultural production, recreational use and so on.

Public consultations should be held so the wider community and local government can contribute to the vision. Consulting the community will also allow groups to determine their community's awareness of the river and its condition, and discuss ways the vision might be achieved.

2. Assess river condition

Groups should survey their river to assess its condition and identify sites that are relatively healthy or degraded. Surveying the river will make it easier to determine what works need to be done and their priority, as well as the resources needed to do the works. The data collected will usually include information about remnant native vegetation, threatened species, weeds, stream conditions, erosion, bed and bank stability, stock management and fencing.

Guidelines for Planning Rivercare Projects in Tasmania (TRTAP & DPIWE, 2000) discusses the issues likely to be faced when surveying the river and outlines the data that should be collected. It also contains proformas that can be used to record the survey data.

3. Management issues and objectives

Groups should decide on the problems they will tackle and the objectives for resolving them. These decisions will be based on the analysis of the survey data. Each objective should show how the problem will be managed in order to achieve the group's vision for the river.

Relevant landowners and river users should be consulted to ensure no problems are missed and to make sure there is consensus on how the problems will be managed.

4. Technical assessment and advice

Groups should seek appropriate advice when developing their Rivercare Plans. The advice should cover a range of specialties, depending on the needs of the project. It may include

- An engineering survey to determine the suitability of the site and make sure the design of any structures, such as riffles and rip-rap, is appropriate before works begin.
- A geomorphic assessment to show how the river functions from a physical and hydraulic perspective (at a catchment, sub-catchment and reach scale), and how it will respond to the proposed works.
- Threatened Species Unit of DPIWE to find out if the works could affect any critical habitats and endangered species.

Possible sources of advice include State Government employees, extension staff and consultants. In addition, non-government organisations such as Birds Tasmania and the Tasmanian Field Naturalists can often provide useful information on bird and animal behaviour, and habitat needs and preferences.

Groups should be encouraged to seek advice in the early stages of developing their plans, although sometimes it will be needed in the latter stages as well. The advice should always be in writing, after a site visit. Any advice should be included in the plan as an attachment that can be referred to later.

Groups should also seek advice on public liability and any other insurance issues and liabilities that could arise during and after the project.

5. Schedule of works

The schedule of works should include

- A list of the planned works, along with their intended timelines and costings.
- A detailed description of the methods to be used for each of the works.
- A series of maps and aerial photographs that show the location and extent of all planned works. The maps are best done in 1.5-2.0 kilometre sections so they are clear and unambiguous.
- Detailed plans of all major river works, such as riffles and other structures.

General statements about the methods to be used can be given in the body of the plan. However, detailed descriptions of the proposed works should be included in the works schedule on a section-by-section basis. This is especially important if the works involve vegetation clearance (eg willows), in-stream works (eg riffles), stream bank works (eg rip-rap), or the use of machinery. Each of the descriptions should be linked to a map. An example of a works schedule can be found in Guidelines for Planning Rivercare Projects in Tasmania (TRTAP & DPIWE, 2000).

6. Links with other plans and processes

It is essential that groups obtain the support and agreement of the majority of landowners along the river when developing their Rivercare Plans. Council staff can advise community groups about the other interest groups and individuals that should be consulted. These people should be consulted to determine the likely effects of the plan on them and to obtain their consent.

It is also important to consider land use in the catchment and to link the plan to other management plans in the area. Such plans may include Rivercare Plans for other parts of the river, catchment management plans, whole farm plans, weed management strategies, and endangered species management plans.

Council planning schemes and management plans for national parks, state reserves and other Crown lands in the catchment should be considered to ensure the plan is co-ordinated with other planning processes.

If Rivercare Plans have or are being developed for other sections of the river they should be linked and integrated with each other. Groups should work out how they can co-ordinate their works with those of nearby groups. Groups working along the same river or in the same region should be encouraged to share resources and integrate their plans. The local DPIWE Water Management Officer and council planning officers may be able to facilitate this process if necessary.

7. Monitoring the project

Monitoring the river before, during and after the project will give an indication of the success of the project and the maintenance needed. However, groups do not have to do all the monitoring themselves. Members of the local community, schools and the local council may be able to help.

Several techniques can be used to monitor the success of a Rivercare Plan and its associated works. Groups can assess the condition of the river using the river survey proforma found in Guidelines for Planning Rivercare Projects in Tasmania (TRTAP & DPIWE, 2000). The proforma encourages groups to examine all components of the river, including the riparian vegetation, in-stream logs, erosion and sediments. Photo-points (photographs taken from fixed locations) can also be used to show the before and after condition of the river, and to monitor long-term changes after the project has been completed.

8. Provision for maintenance

The aim of the Rivercare program is to improve the long-term health of our rivers. Therefore, all groups must show how they will maintain the improvements they make to the river after the project has finished. Maintaining the improvements is particularly important in Tasmania where rivers can degrade quickly and the money spent improving them can be wasted if there are no follow-up works.

Long-term maintenance of the river can be funded by arrangements that share the costs equitably between the beneficiaries. The preferred arrangement is a riverworks district, which provides a framework for collecting the funds and administering and managing the maintenance. Generally, it is recommended that local councils establish riverworks districts and set up special council committees to administer them. However, incorporated trusts and Landcare groups can also establish and administer them. The local council or the DPIWE Rivercare Team can advise groups on the procedures for establishing such arrangements.

9. Display and endorsement of plan

The Rivercare Plan and its accompanying maps and aerial photographs should be displayed and made available to the public so all interested parties have the opportunity to comment on the planned works. Groups should seek endorsement from their general community, and individuals and groups likely to be affected by the plan. The local council may be able to use its normal planning processes to help groups seek public comment and endorsement.

10. Submit Rivercare Plan or works plan to council for assessment

The completed Rivercare Plan should be assessed by the local council before any works start. The level of assessment needed will depend on the scale of the works. The Department of Primary Industries, Water and Environment can be approached if the local council does not have the necessary technical and scientific expertise.

2. References

Tasmanian Rivercare Technical Assessment Panel & Department of Primary Industries, Water & Environment. 2000. *Guidelines for Planning Rivercare Projects in Tasmania*. DPIWE, Hobart. <http://www.dpiwe.tas.gov.au>

These guidelines should be used in conjunction with the appropriate technical advice and literature.

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Combined Permit and Amendment
Amendment 1/2022 and PLA/2022/1266
Section 39(2) and 43F(6) Report
Review of Representations

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ACRONYMS

EMPC Act	<i>Environmental Management and Pollution Control Act 1994</i>
EPA	Environment Protection Authority
LUPA Act	<i>Land Use Planning and Approvals Act 1993</i>
NTRLUS	Northern Tasmanian Regional Land Use Strategy

MEANING OF TERMS

Commission	Tasmanian Planning Commission
Council	Dorset Council
Planning Authority	Dorset Council
Stormwater	<i>means run-off water that has been concentrated by means of a drain, surface channel, subsoil drain or formed surface, as defined by the Urban Drainage Act 2013</i>

REVIEW OF REPRESENTATIONS

REPRESENTATION NO. 1

Louise Brooker
20 Edward Street Bridport

<i>Matters Raised</i>	<i>Statement of Merit</i>
<p>Public Exhibition Process</p> <p>Concern that there was no sign at the subject site during the public exhibition period to indicate that the community could participate and that those who may have wished to comment missed the opportunity.</p>	<p>Public exhibition was undertaken in accordance with the prescribed requirements of the LUPA Act, including two adverts within the Examiner and notification letters to the landowner and adjoining landowners. Signage at the frontage of the subject site is not a prescribed requirement for Combined Permit and Amendment applications.</p>
<p>Insufficient Information (Environmental Matters – Environmental Impact Study)</p> <p>Assertion that insufficient attention has been given to environmental matters and that an environmental impact study should take place prior to the commencement of any development within the site.</p>	<p>A Planning Authority may only request or require additional information where it has a head of power to do so under the Planning Scheme. In respect to the planning application, no applicable use or development standards of the Planning Scheme provide the Planning Authority with the head of power to request an Environmental Impact Study as neither the Potentially Contaminated Land Code nor the Water Quality Code are applicable to the proposal.</p>
<p>Insufficient Contamination Management Measures (Environmental Matters - Contamination)</p> <p>Concern that there is <i>'no mention of specific chemicals and how they would be treated'</i> and the potential for stormwater runoff to contain fuel contamination and thereby contaminate adjoining land and water.</p>	<p>Whilst service station uses are listed as a potentially contaminating activity within Table E2.1 of the Potentially Contaminated Land Code, the code only applies to use or development of land for a sensitive use to be undertaken on a site previously used for an activity listed within Table E2.1. The site has not been used for such purposes previously, so the Potentially Contaminated Land Code therefore does not apply to the proposal. Likewise as (ii) the site's legal point of stormwater discharge is located at the northeast corner of 1954 Bridport Road and flows would not be increasing by more than 10%, and (ii) the proposal does not involve use or development within 50 metres of a wetlands or watercourse, the Water Quality Code does not apply to the proposal accordingly. No other use or development standards applicable to the planning application require consideration of potential contamination to land and water as a result of the development.</p> <p>Whilst it is not within the ambit of the Planning Authority in this particular scenario to consider such impacts, a variety of legislation exists separate to the Planning Scheme that do manage</p>

	<p>the risks of hazardous chemicals. The primary regulatory mechanism is the <i>Work Health and Safety Act 2012</i> and the <i>Work Health and Safety Regulations 2012</i>, wherein management techniques include installing a roofed area above the fuel bowsers and the installation of spill containment systems which may include a combination of (i) bunding, (ii) grading or sloping surfaces and sumps, and (iii) drainage to a holding pit, tank or interceptor. Services stations are also subject to a number of Australian Standards that any operator would be required to comply with, such as:</p> <ul style="list-style-type: none"> - AS/NZS 1596: The storage and handling of flammable and combustible liquids - AS 4897: The design, installation and operation of underground petroleum storage systems - AS 4977: Petroleum products – Pipeline, road tanker compartment and underground tank identification. <p>A copy of the <i>Hazard Chemicals: Guide for Service Station Operators under the Work Health and Safety Act 2012</i> prepared by Worksafe Tasmania, which outlines management requirements and techniques, is attached to this report for reference.</p> <p>All persons also have a general duty of care under the <i>Environmental Management and Pollution Control Act 1994</i> to take such steps as are practicable or reasonable to prevent or minimise environmental harm of environmental nuisance being caused by an activity conducted by that person. Should the Council be reasonably satisfied that serious or material environmental harm or environment nuisance is being, or likely to be caused, then it may issue and serve an environment protection notice (EPN) on the person who is responsible for the relevant activity in accordance with the EMPC Act as a regulatory matter outside of the approvals process. While often used as a compliance tool, an EPN can also be pursued pre-emptively to prevent environmental nuisance and harm from occurring in the first place.</p> <p>The Council also has the building and plumbing approval processes – provided through the <i>Building Act 2016</i> - at its disposal, whereby any stormwater exposed to spills of hazardous chemicals, such as diesel and petrol, associated with the service station would need to be managed as wastewater within the boundaries of the subject site as prerequisite of gaining these approvals. Subject to complying with these approvals, such wastewater would not be directed to the proposed stormwater management system nor released from the subject site.</p> <p>As a result, whilst there is the potential for contamination, such risk would be managed within the boundary of the subject site through a variety of legislative mechanisms.</p>
State Coastal Policy 1996	

<p>Concern that the proposal is not consistent with the Tasmanian State Coastal Policy 1996 as the <i>'last 300 metres of Brewers Creek before it gets to Trent Water is tidal'</i> until it intersects with a weir. This section of Brewers Creek is suggested to support <i>'its own small patch of saltmarsh'</i>. It is thereby asserted that the tidal flows (being only 600 metres from the drain of the subject site) <i>'could be easily compromised by any pollutants that might overflow the detention basin and flow in the drain and into the Trent Water via Brewers Creek'</i>.</p>	<p>The identified weir is approximately 700 metres from the legal discharge point and detention basin of 1954 Bridport Road and 900 metres from the proposed service station, in a straight-line distance.</p> <p>Any stormwater flows beyond the subject site would need to travel 900 metres along the overflow pathways and through Brewers Creek before encountering the weir. Stormwater from the service station would similarly need to travel over 1.1 kilometres before encountering the weir and tidal flows.</p> <p>The Planning Scheme is required to be consistent with the State Coastal Policy 1996, and is one of a suite of planning instruments that acts to implement the objectives and principles of the Policy, particularly through the application of the Water Quality Code and Coastal Code. The proposed use and development does not trigger the thresholds that pull in the application of these Codes and so, through ongoing management through various planning instruments such as the <i>Environmental Management and Pollution Control Act 1994</i>, the <i>Water Management Act 1999</i>, the <i>Work Health and Safety Act 2012</i>, and the <i>Building Act 2016</i>, issues associated with potential contamination of stormwater and waterways would be appropriately addressed.</p> <p>See also response to Insufficient Contamination Management Measures (Environmental Matters - Contamination) above.</p>
<p>State Policy on Water Quality Management 1997</p> <p>Concern that stormwater generated by the proposed development <i>'will carry contaminants from petrol station spills'</i> and, unless otherwise managed, contaminate Brewers Creek and Trent Water and therefore not comply with the State Policy on Water Quality Management 1997.</p>	<p>See responses to Insufficient Contamination Management Measures (Environmental Matters) and State Coastal Policy 1996 and Insufficient Contamination Management Measures (Environmental Matters - Contamination) above.</p>
<p>Stormwater Management (Capacity of Proposed System)</p> <p>Concern that the proposed rainwater tanks and detention basin will not be sufficient to hold runoff generated from both the proposed development and the future intended car wash proposal.</p>	<p>As detailed within the stormwater management report, future impervious surfaces associated with a hypothetical car wash were included in the stormwater generation calculations. These calculations were not predicated upon the provision of rainwater tanks and so are considering a greater volume of stormwater than what may be expected if the development reaches fruition and does install additional rainwater tanks.</p> <p>Any wastewater generated by any future car wash proposal, including stormwater exposed to cleaning chemicals, dirt and seeds, would need to be managed as wastewater within the</p>

	boundaries of the subject site as part of any building and plumbing approvals. This wastewater would not be directed to the proposed stormwater management system.
<p>Stormwater Management (Underlying Assumptions)</p> <p>Concern that the stormwater management report relies upon the Branxby-Williams formula. This formula was conceived in 1922 and it is thereby asserted that climate change excesses are not taken into account.</p>	<p>The Branxby-Williams formula only calculates the ‘time of concentration’ which is the time between rainfall landing on the catchment and the resultant stormwater reaching the point of the drainage system being considered. Climate change is unlikely to change the time it takes for rainfall to move from point A to B within a catchment area. Instead, the stormwater report relies upon 1% and 5% AEP exceedance probabilities for burst durations ranging from 5 minutes to 2 hours and assumes that the catchment is pre-saturated with pre-burst rainfall in accordance with the Australian Rainfall and Runoff (ARR) Guidelines. The ARR Guidelines were updated in both 2016 and 2019 to reflect climate change best practice.</p>
<p>Stormwater Management (Alternative Systems)</p> <p>Suggestions that the detention basin should be relocated to the middle of the subject site and that a constructed wetlands be installed instead.</p>	<p>Providing that stormwater flows do not materially increase beyond the site, there is no provision of the Planning Scheme that enables the Planning Authority to require such a change to the onsite stormwater management arrangement via planning permit conditions.</p>
<p>Stormwater Quality Data Monitoring</p> <p>Assertions that baseline data be collected from the drain-line and the creek so that the planning authority can properly measure the quality of future runoff and performance of such installations can be measured.</p>	<p>There is no scope within the Planning Scheme to require such a condition within the planning permit.</p> <p>Should the Environment Protection Authority (EPA) or Council be reasonably satisfied that serious or material environmental harm or environment nuisance is being, or is likely to be caused, then it may issue and serve an environment protection notice (EPN) on the person who is responsible for the relevant activity in accordance with the EMPC Act. An EPN may include measures such as stormwater quality data monitoring. Such an action would necessarily occur as a regulatory matter outside of the approvals process.</p>
<i>Recommended Action</i>	<i>Impact on the draft amendment as a whole</i>
<p>No modification of the draft amendment is recommended.</p> <p>No modification of the planning authority’s decision is recommended.</p>	<p>It is considered that the representation would have no effect on the draft amendment, as a whole.</p>

REPRESENTATION NO. 2
 Tim Jensen
 126 Waterhouse Road Bridport

<i>Matters Raised</i>	<i>Statement of Merit</i>
<p>Site-Specific Qualification – Service Industry</p> <p>Concern that the proposed site-specific qualification would enable consideration of Service Industry uses other than the indicated future car wash and that such other uses <i>‘would be better directed to the [existing] Light Industrial Zone’</i>.</p>	<p>The Service Industry use class comprises:</p> <p><i>“Use for land for cleaning, washing, servicing or repairing articles, machinery, household appliances or vehicles. Examples include a car wash, commercial laundry, electrical repairs, motor repairs and panel beating.”</i></p> <p>The Light Industrial Zone provides for a wide range of permissible use classes including, but not limited to, the following:</p> <ul style="list-style-type: none"> - Equipment and machinery sales and hire - Research and development - Service industry - Storage - Transport depot and distribution - Utilities - Vehicle fuel sales and service - Bulk goods sales (if for garden or landscape supplies, hardware or trade [wholesale] supplies - Business and professional services - Manufacturing and processing - Recycling and waste disposal - Resource processing (if not for animal saleyards or abattoir) <p>The application posits that the subject site is an appropriate location for Service Industry uses to occur due to, among other reasons, its direct proximity to the Bridport Airfield and the Bridport Road (a Category 2 State Road recognised as a major regional road for carrying heavy freight), and seeks permitted use status for the Service Industry use accordingly.</p> <p>Noting that the Service Industry use class can currently be considered for land zoned within the Rural Resource, Local Business, Urban Mixed Use, and Village zones through various permitted and discretionary pathways, it is clear that the Service Industry use class is not the sole purview of the Light Industrial zone. Use of the site for Service Industry purposes, noting again that a variety of other permissible uses are allowed within the Light Industrial Zone</p>

	<p>that are not otherwise permissible within the proposed Rural Resource Zone, would not unreasonably redirect development away from the land currently zoned as Light Industrial.</p>
<p>Stormwater Management</p> <p>Concern that the proposed three proposed 40,000 litre tanks are insufficient to manage excess stormwater runoff.</p>	<p>Whilst the applicant has noted the intention to incorporate three 40,000 litre water tanks as identified on the Site Masterplan A101 (dated 23 February 2022) for stormwater capture and reuse, they are not an integral component of the proposed stormwater detention system proposed within the stormwater management report. Such tanks are surplus to the needs of the designed detention system and, if installed, would further assist in minimising existing flow rates from the site during storm events.</p> <p>For the purposes of greater clarity, Condition 2 (Amended Plans) of the planning permit requires that the Site Masterplan A101 be amended to relocate the three proposed 40,000 litre water tanks and pump shed to be clear of the proposed stormwater management and detention system.</p>
<p>Stormwater Management</p> <p>Concern that it is unclear where excess stormwater would be directed and that the stormwater management report appears to suggest that stormwater would be discharged onto the adjoining 1992 Bridport Road.</p>	<p>Stormwater is currently managed by a combination of natural absorption into the soil and the redirection of stormwater runoff via open drains along the northern and eastern boundaries to the north-eastern corner of the lot. The existing open drain then continues on through 1952 Bridport Road where the open drain transitions into an unformed overflow path. Once discharged from the boundary of 1954 Bridport Road, stormwater generated by large storm events would need to travel between 275-350 metres before entering Brewers Creek. Stormwater from smaller storm events are currently absorbed into the soil across the entire site and along the full extent of the two onsite open drains. It is critical to note that within a statutory planning assessment context, the point at which the existing open drain leaves the boundary of 1954 Bridport Road is taken to be the existing legal point of stormwater discharge from the site. Consideration of flows further downhill, including water quality of Brewers Creek, can only be considered if Brewers Creek experiences a material increase in stormwater flows (i.e. greater than 10% of existing levels). The proposal intends to utilise this existing discharge point, subject to upgrades to the internal stormwater management configuration, in a manner that would ensure that stormwater flows from the site are not materially increased (i.e. remain less than 10% of existing levels). Subsequently, stormwater matters beyond this discharge point cannot be considered.</p>

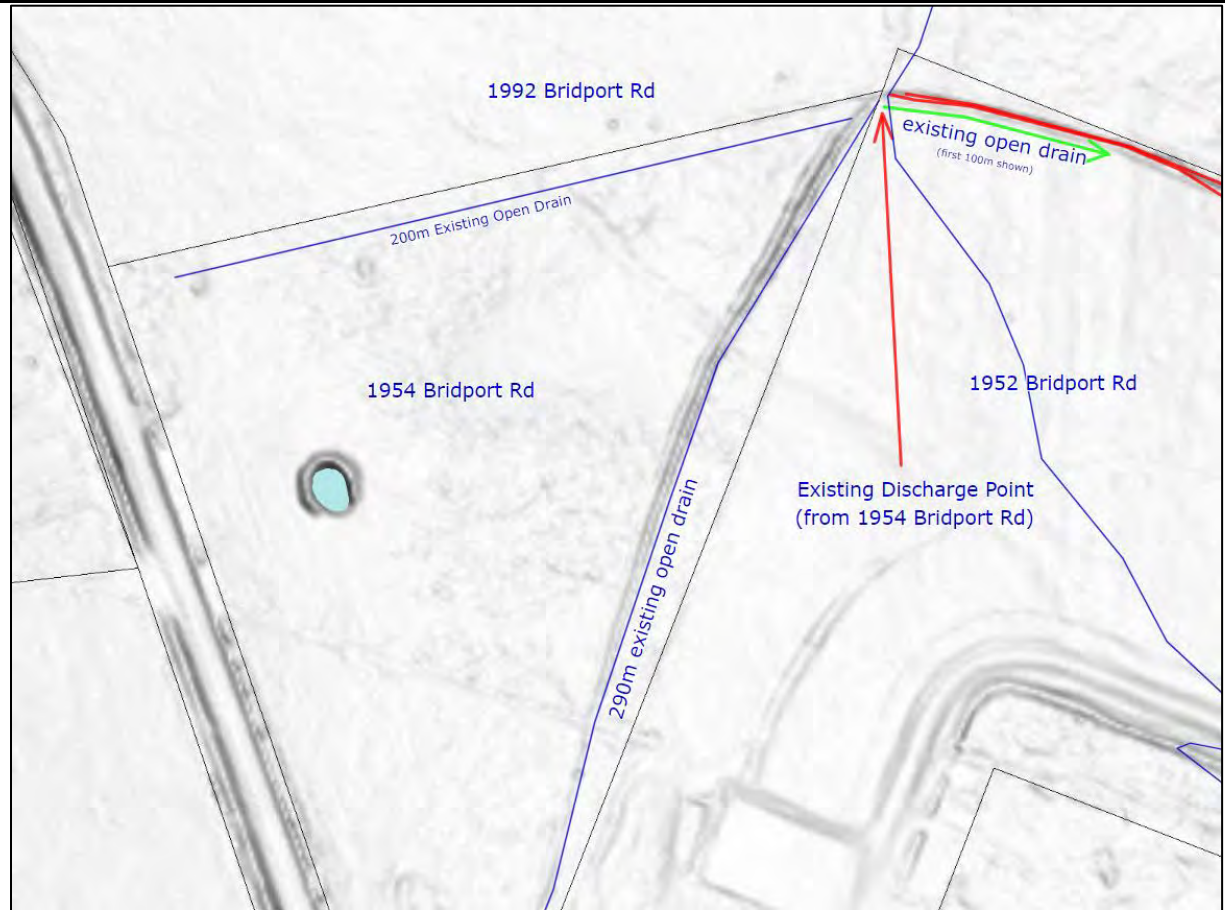


Figure 1 - Diagram of existing open drains within and adjacent to, 1954 Bridport Road (adapted from www.thelist.tas.gov.au). © State of Tasmania.



Figure 2 – Existing open drain along eastern boundary of 1954 Bridport Road, facing north towards the north-eastern corner of the subject site (photo taken 9 November 2022).



Figure 3– Existing open drain along northern boundary of 1954 Bridport Road, facing west from the north-eastern corner of the subject site (photo taken 9 November 2022).

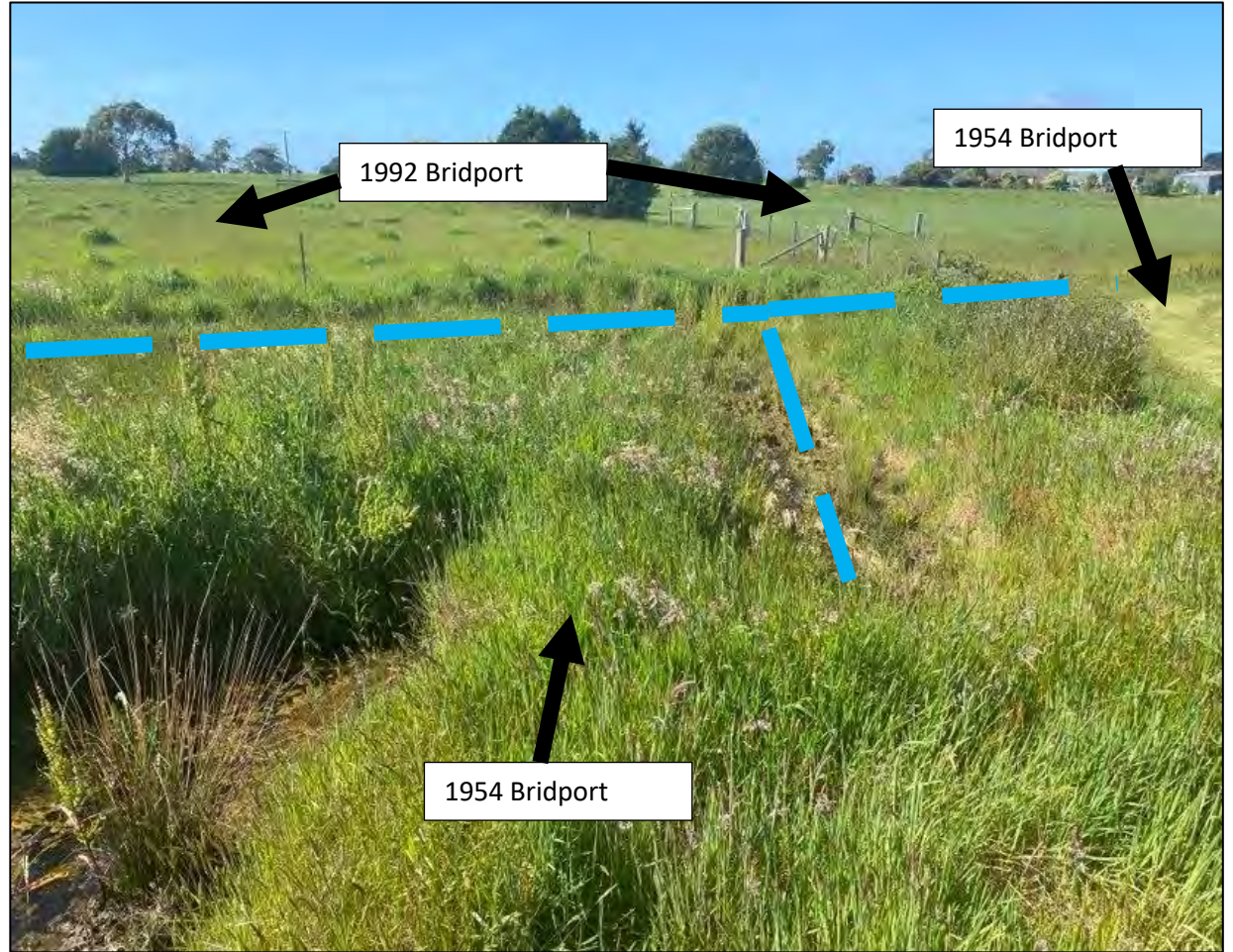


Figure 3 – North-eastern corner of 1954 Bridport Road, showing the two existing open drain converging and continuing eastward through 1952 Bridport Road (photo taken 9 November 2022).



Figure 4 – North-eastern corner of 1954 Bridport Road, showing the existing open drain continuing eastward through 1952 Bridport Road (photo taken 9 November 2022).

Whilst the endorsed stormwater management report refers to utilising this existing point of discharge, the author of the report has incorrectly indicated that the open drain discharges onto the adjoining 1992 Bridport Road and has prepared the stormwater diagrams on that basis. This error was noted during the preliminary assessment of the application and the planning application was, as detailed within the Agenda Report 19 September 2022, assessed on the basis of the application using the existing discharge point onto 1954 Bridport Road accordingly.

	For clarification purposes, it is recommended that Condition 5 (Stormwater Management) of the planning permit be modified to require the stormwater management report to be amended to identify the existing, and correct, point of discharge as being the open drain that continues through 1952 Birdport Road
<p>Stormwater Management (Bridport Road)</p> <p>Concern that stormwater run-off from the proposed Service Station would be discharged to the open drains along Bridport Road.</p>	<p>Neither the stormwater management report nor any of the submitted documentation indicates that stormwater generated within the boundary of the 1954 Bridport Road would be directed to the open drain within the road reserve of Bridport Road.</p> <p>For clarification purposes, it is recommended that Condition 5 (Stormwater Management) of the planning permit be modified to explicitly restrict stormwater from 1952 Bridport Road being discharged into the open drain of Bridport Road.</p>
<p>Self-Storage Facilities</p> <p>That the application errs when it states that there are no self storage facilities within the township given that the representor owns self-storage facilities at 5 Heckrath Road Bridport.</p>	<p>Noted.</p> <p>It is understood that the self-storage facilities referred to by the representor were completed in December 2021. It is also noted that, from a preliminary search online, there appears to be little to no presence of advertisement on the internet that suggests that there are self-storage facilities available to the public for hire within Bridport.</p>
<i>Recommended Action</i>	<i>Impact on the draft amendment as a whole</i>
<p>No modification of the draft Amendment is recommended.</p> <p>It is recommended that modification of the conditions of PLA/2022/1266 be made to clarify and reinforce how stormwater management would occur. Refer to recommended amendments to the permit conditions – Appendix 2.</p>	<p>It is considered that the representation would have no effect on the draft amendment, as a whole.</p>

REPRESENTATION NO. 3

Barry Hall
1992 Bridport Road Bridport

<i>Matters Raised</i>	<i>Statement of Merit</i>
<p>Section 32(1)(f) – Environmental Matters and Resultant Land Use Conflicts</p> <p>Concern that the proposed draft amendment does not comply with section 32(1)(f) of the former provisions of the LUPA Act and must therefore be rejected by the Commission for the following reasons:</p> <ul style="list-style-type: none">• Service stations are potential sources of petroleum and diesel product soil contaminations due to fuel spills and fuel tank leaks which can affect the health of people and the environment;• The planning application ought to be amended to specifically encompass the intended use of a carwash;• The development of a car wash contemplates the use of additional chemical and potential hazardous materials which have not been considered;• It is unclear how stormwater from the proposed storage units would be captured, filtered, and repurposed;• It is unclear how wastewater from the proposed development would be captured and treated;• That the application does not include an environmental impact statement and does not consider the risk of contamination;• The prospect of petroleum or diesel spillages flowing over into neighbouring properties is relatively high; and• Several platypus are present within the dams within Brewers Creek. The application does not address the Tasmanian Platypus Management Plan 2010 (prepared by the Department of Primary Industries, Parks, Water and Environment) and how fuel contamination overflowing onto 1992 Bridport Road and the dams would destroy the natural habitat of the platypus.	<p>Section 32(1)(f) requires that a draft amendment of a planning scheme must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.</p> <p>As detailed earlier in this report, service stations are subject to separate legislation, notably under the <i>Work Health and Safety Act 2012</i> and the <i>Environmental Management and Pollution Control Act 1994</i>, that manage the risks associated with fuel spills and leaks. The proposed permissible uses would be subject to these requirements and, subject to their ongoing management, would not pose an unacceptable risk to the health of people and the environment.</p> <p>The applicant is under no obligation to apply for a car wash as part of this Combined Permit and Amendment application. What an applicant chooses to apply for, or not apply for, in any planning application is at the discretion of the applicant. If the developer intends to progress with developing a car wash on the balance lot, then further planning, building, and plumbing approvals would need to be gained prior to such use and development occurring. Further consideration of environmental matters and stormwater management, where applicable, would also be considered at that point in time.</p> <p>As detailed earlier in this report, any wastewater generated by any future car wash proposal, including stormwater exposed to cleaning chemicals, dirt and seeds, would need to be managed as wastewater within the boundaries of the subject site as part of any building and plumbing approvals. This wastewater would not be directed to the proposed stormwater management system.</p> <p>Stormwater generated by the proposed storage units would be directed to the grassed channel and retention basin as depicted within the stormwater management report. The specific design and details of the internal stormwater management, including any additional rainwater tanks, would be addressed and finalised during the plumbing approval processes and prior to the sealing of the final plan of subdivision.</p> <p>Management of wastewater generated by the proposal, such as from the caretaker’s facility and shared amenities, would be more fully addressed during any plumbing approval process. This</p>

	<p>onsite wastewater management system would be required to be operational prior to the commencement of the respective use.</p> <p>Consideration of section 32(1)(f) is provided by the Planning Authority within Part A of its Agenda Report dated 19 September 2022. In addition to those comments it is also noted that, subject to the wide array of environmental legislation described earlier in this report, the draft amendment and any result use and development would be not be detrimental to the region as an entity in environmental or social terms.</p> <p>Consideration of section 32(1)(f) does not require the application, nor the Planning Authority, to have regard the Tasmanian Platypus Management Plan 2010. As detailed earlier in this report, any contaminated stormwater would need to be managed and treated as wastewater within the bounds of the respective lot. Risk of damage to platypus habitat within Brewers Creek is therefore manageable.</p>
<p>Section 32(1)(e) – Stormwater and Overflow</p> <p>Concern that the proposed draft amendment does not comply with section 32(1)(e) of the former provisions of the LUPA Act and must therefore be rejected by the Commission for the following reasons:</p> <ul style="list-style-type: none"> • That the application is not accompanied by a topographical map demonstrating the contour of the land; • That the stormwater management report indicates that water will exit from the retention basin, via a 450mm pipe, to be dispersed onto the representor’s property (1992 Bridport Road) when there is no existing open drain dispersing onto 1992 Birdport Road; • That the additional impervious surface proposed by the development would reduce the capacity of the site to absorb rainfall and thereby increase the amount of stormwater to be handled onsite; • That the drains model shown within Figures 5, 6, and 7 of the stormwater management report seem to indicate that water from the drain alongside Bridport Road will be taken into the subject site and redirected north. Instead it is asserted that the stormwater from the open roadside drains is directed south and around the airfield where it flows down towards Brewers Creek; 	<p>Section 32(1)(e) requires that a draft amendment of a planning scheme must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area.</p> <p>The application is accompanied by a variety of site plans that show contour details of one metre increments across the site. For additional reference, a diagram depicting the 0.25m contours is provided below in Figure 5.</p>

- That the site is not 'relatively flat' and instead sits in undulating land that results in a slope downwards to the north and south;
- That there appears to have been no consideration of the additional stormwater that would be generated by a future car wash development and its impact upon the water catchment area;
- That the resultant stormwater, whether contaminated or not, is likely to pose an environmental nuisance to 1992 Bridport Road
- That the application would not support rural and environmental lifestyle opportunities and rural residential areas as a legitimate residence choice and thereby be contrary to the NTRLUS; and
- That the potential for contaminated stormwater puts the representors farming operations - which involves certification under the Greenham's Never Ever Program that cattle is 100% grass fed, has no added hormones, has no antibiotics ever, among other matters – at risk.

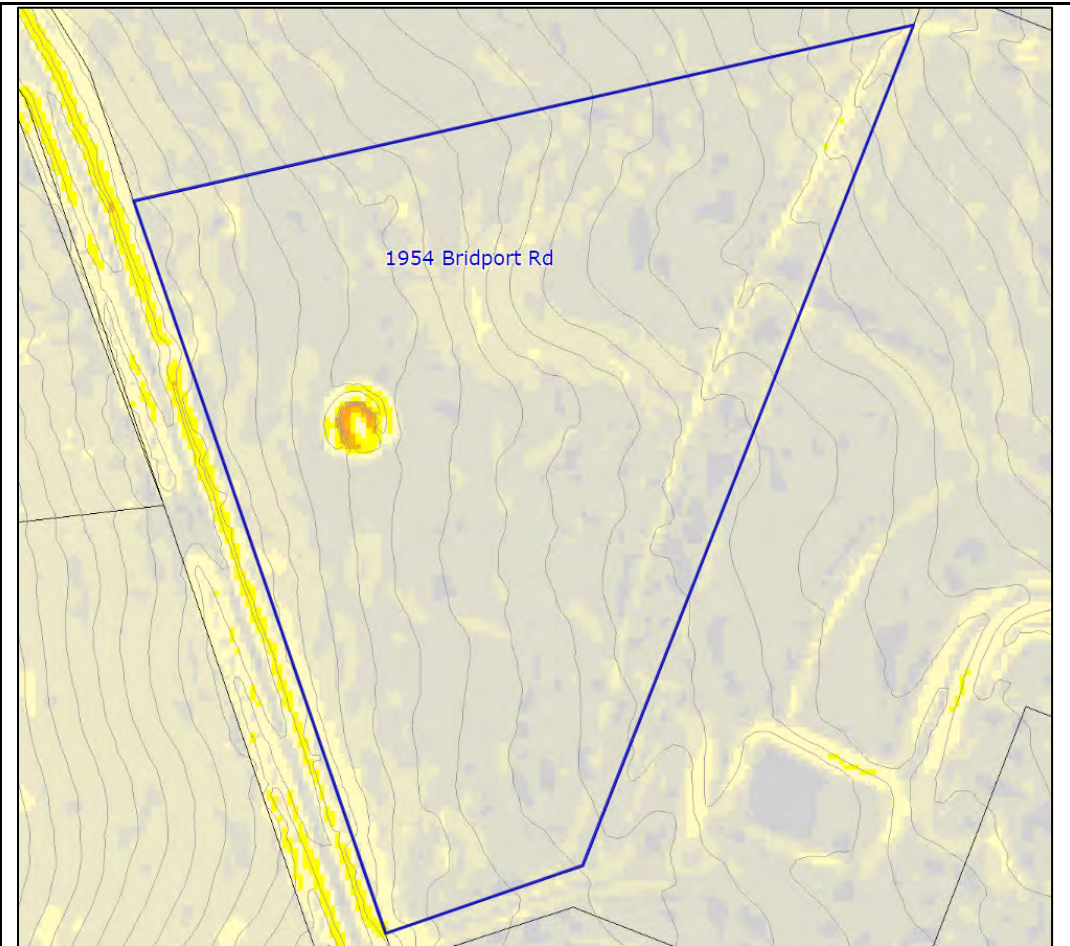


Figure 5 - Aerial imagery depicting 0.25m contours (adapted from www.thelist.tas.gov.au). © State of Tasmania

As noted earlier in this report, the stormwater management report has incorrectly assumed that the existing open drain discharges onto 1992 Bridport Road and that a recommendation be put to the Tasmanian Planning Commission that Condition 5 (Stormwater Management) be modified to require that the stormwater management report be amended to correct this error.

The drains models (Figures 5, 6, and 7) of the stormwater management report show how stormwater generated by the impervious surfaces of the proposal is calculated and how it would

be directed. This includes consideration of the impervious driveways and crossovers. It does not, however, include consideration of the open roadside drains between the frontage and the verge of Bridport road and the stormwater therein. The representor is correct that stormwater from the roadside open drain is currently directed southward and then around the airfield. Subject to amending Condition 5 (Stormwater Management) so that the proposed development does not take on additional stormwater flows from the open drain, the proposal would not affect this existing arrangement.

The subject site has a predominant slope across the entirety of the site of 1.75% (a one degree decline) except for small pockets and open drains, particularly along the western and eastern boundary, where the slope reaches its upper limits of 5% (three degrees). The site is highest at the north-western corner with an AHD of 16.75 metres while the site is lowest at the north-eastern corner with an AHD of 12.25 metres, with a total change in elevation of 4.5 metres across a distance of approximately 230 metres. This results in an average slope of less than 2% (approximately 1.10 degrees) across the steepest cross-section of the site. While the site does experience a natural decline towards the east and south-east, given the size of the property and the minimal slope it actually experiences, the term 'relatively flat' is more than appropriate.

As detailed earlier in this report, the stormwater management report, the future impervious surfaces associated with a hypothetical car wash were included in the stormwater generation calculations and have been factor in to the design of the retention basin. Water contaminated by the car wash activity (i.e. clearing chemicals, seeds and debris, mud, etc) would be managed separately to the stormwater as per any future plumbing approvals.

Consideration of section 32(1)(e) is separate to consideration of the proposal's consistency with the NTRLUS under section 300(1). See response to **Section 300 – Northern Tasmania Regional Land Use Strategy (Intended Use)** below.

It is acknowledged and understood that contamination of adjoining farmland, particularly 1992 Bridport Road, is a significant concern to the representor. However, as detailed earlier in this report, there is a wide array of environmental legislation separate to the planning assessment process that the proposed uses and associated development would be required to comply with. Again, it is reinforced that all persons also have a general duty of care under the EMPC Act to take such steps as are practicable or reasonable to prevent or minimise environmental harm of environmental nuisance being caused by an activity conducted by that person. Should the Council be reasonably satisfied that serious or material environmental harm or environment nuisance is being, or likely to be caused, then it may issue and serve an environment protection notice (EPN)

	<p>on the person who is responsible for the relevant activity in accordance with the EMPC Act as a regulatory matter outside of the approvals process.</p>
<p>Section 32(1)(f) – Relationship to Airfield</p> <p>Concern that the proposed draft amendment does not comply with section 32(1)(f) of the former provisions of the LUPA Act through the insufficient provision of evidence, and must therefore be rejected by the Commission for the following reasons:</p> <ul style="list-style-type: none"> • that seeking an amendment to the planning scheme for the subject site for the proposed uses, particularly <i>‘for such a limited function as the construction of four (4) hangars’</i> when the existing airstrip property has an area of 30 hectares is an inconsistent and inefficient use of land; • that the draft amendment seeks to pursue uses that would diminish the importance of agricultural land and is an inappropriate fragmentation of rural land inconsistent with the NTRLUS; • that <i>‘if hangars are required, why doesn’t the owner of the Bridport Airport simply build them’</i>; and • that the proposed hangar development has only been included in the application as an effort to comply and/or appear consistent with the applicable strategies and objectives which apply to the subject site. 	<p>Section 32(1)(f) requires that the draft amendment must, in the opinion of the Planning Authority, have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.</p> <p>The Planning Authority must consider the draft amendment as it is presented to it. Suggestions that certain uses are only being pursued to bolster the chance of approval for an alternate use are not relevant to the statutory planning assessment.</p> <p>Clustering of compatible and synergistic uses often leads to beneficial economic, environmental and social benefits. All proposed Use Classes represent uses that would have positive feedback loops between themselves and the adjacent airport. The clustering of uses also fosters shared management of environmental issues as is represented by the shared stormwater management system within the planning application. Subject to ongoing management of environmental matters through the array of legislation discussed throughout this report, risk of adverse environmental impacts to the region as an entity would be suitably managed.</p> <p>Further consideration of the draft amendment’s consistency with the NTRLUS is provided below at Section 300 – Northern Tasmania Regional Land Use Strategy (Intended Use).</p>
<p>Section 32(1)(f) – Storage Units</p> <p>Concern that the proposed draft amendment does not comply with section 32(1)(f) of the former provisions of the LUPA Act through the insufficient provision of evidence, and must therefore be rejected by the Commission for the following reasons:</p> <ul style="list-style-type: none"> • that the application incorrectly states that there are no self-storage facilities available within Bridport when there are actually 20 self-storage units at 5 Heckrath Road Bridport. It is suggested that the application’s incorrect assertion that there are no storage facilities within the township indicates a lack of insight to the existing infrastructure and needs of the community; and • Asserts that as the owner of 5 Heckrath Road is developing additional self-storage and currently has five vacant lots available at the Light Industrial Zone, 	<p>Section 32(1)(f) requires that the draft amendment must, in the opinion of the Planning Authority, have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.</p> <p>It is noted that there are self-storage units located at Heckrath Road. It is also noted that the most recent of these units were only constructed in the latter half of 2021, and presumably so in response to a perceived demand for such facilities. The intimation that the Heckrath Road developer is pursuing the construction of additional self-storage facilities also implies that there is still unmet demand in the market for such facilities.</p> <p>Whilst 5 Heckrath Road Bridport is subject to approval for an eight lot (plus balance) subdivision, the pertinent approval was first approved in 2009 with subsequent minor amendments in 2021</p>

<p>there is no additional demand or community need for additional self-storage facilities.</p>	<p>and early 2022. While it is understood the developer is currently undertaking the necessary installation of infrastructure, the site at present remains a single lot until such time as all required works are completed and a Final Plan of Survey is signed and sealed by the Planning Authority.</p> <p>Irrespective of alternative developers also pursuing the establishment of self-storage facilities, additional supply of self-storage units represents a better outcome for the region than a shortage of appropriate facilities.</p>
<p>Section 300 – Northern Tasmania Regional Land Use Strategy (Intended Use)</p> <p>Concern that the proposed draft amendment does not comply with section 300 of the former provisions of the LUPA Act through the insufficient provision of evidence, and must therefore be rejected by the Commission for the following reasons:</p> <ul style="list-style-type: none"> • No evidence to support the assertion that the intended uses would provide the region with services that it currently does not have or which are underprovided; and • That the NTRLUS seeks to protect quality agricultural land from incompatible development within rural areas. The representor notes that the adjoining 1992 Bridport Road is high quality agricultural land (with an operational capacity of 70 head of cattle) and that the subject site has the potential to be similarly (albeit proportionally) productive. It is inferred that the proposed uses are incompatible with this adjoining agricultural use. 	<p>Section 320(1) requires that a draft amendment may only be made if the amendment is, as far as is, in the opinion of the relevant decision-maker, practicable, consistent with the Northern Tasmania Regional Land Use Strategy.</p> <p>The Planning Authority considered the NTRLUS within Part A of its Agenda Report dated 19 September 2022 wherein it considered that the transition of the site from a ‘Rural Residential Area’ to a ‘Productive Resource Area’ – with both being considered to be ‘Rural Areas’ - was appropriate.</p> <p>It also acknowledged that (i) the subject site represents a liminal space between these two sub-categories of the Rural Area in a location proximate to the existing Bridport settlement and (ii) that the proposed use classes are non-agricultural land uses that would not adversely impact water quality, scenic rural landscape, adjoining agricultural use and the natural environment where conducted in accordance with the requirements of the wide array of planning instruments and environmental legislation that normally applies to all types of use and development.</p>
<p>Section 300 – Northern Tasmania Regional Land Use Strategy (Agricultural Land)</p> <p>Concern that the proposed draft amendment does not comply with section 300 of the former provisions of the LUPA Act through the insufficient provision of evidence, and must therefore be rejected by the Commission for the following reasons:</p> <p>That the subject site is capable of supporting a viable agricultural use as evidenced by the agricultural business at 35 Emily Street Bridport; and</p> <p>That the subject site represents the type of land which ought to be preserved as agricultural/rural in accordance with the NTRLUS.</p>	<p>Section 320(1) requires that a draft amendment may only be made if the amendment is, as far as is, in the opinion of the relevant decision-maker, practicable, consistent with the Northern Tasmania Regional Land Use Strategy.</p> <p>The proposed draft amendment would continue to consider the land as being within a Rural Area in accordance with the NTRLUS whilst acknowledging additional uses that the site is suited for when having respect to the sites limitations, its surrounding uses, and whose interface with adjoining agricultural uses can be appropriately managed without undermining those uses.</p>
<p>Objectives of the LUPA Act</p>	

<p>Concern that the planning application does not further the objectives set out in Schedule 1 of the LUPA Act, in that it does not:</p> <p><i>Promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</i></p> <p><i>Ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.</i></p>	<p>The Planning Authority considered the objectives of the LUPA Act within Part A of Council’s Agenda Report dated 19 September 2022 wherein it noted that the proposed scheme</p> <p>A comprehensive suite of planning instruments have been recognised in assessment of the planning application, including the Planning Scheme, State Policies, <i>Land Use and Planning Approvals Act 1993</i> and other applicable planning instruments – providing a robust framework for the appraisal of the development. It is regarded that the proposed amendment is conducive to the policy expectation of the planning instruments that the proposal is bound to being assessed against in terms of promoting the objectives of the LUPA Act.</p> <p>It is considered that any potential impacts associated with the proposal would be mitigated and/or managed appropriately through both (i) the inclusion of appropriate conditions upon any planning permit for the subsequent use and development of the site and the implementation, and (ii) compliance with the array of legislation referred to throughout this report.</p>
<p>Errors with Plans</p> <p>Concerns that there are several inconsistencies within the design plans and drawings which ought to be addressed, including:</p> <ul style="list-style-type: none"> • Inconsistent dimensions between the northern and southern elevations of the hangars within Drawing A207; and • Inconsistent dimensions between the service station sign within Drawing A203 and the dimensions noted on page 37 of the Combined Rezoning/Development Application supporting report. 	<p>The endorsed Drawing A207 ‘Hangars’ depicts two separate buildings. The first is the 80 metre by 15 metre hangar. The second is the 10 metre by 12 metre open roofed area under which would cover the aviation fuel.</p> <p>It is noted that Drawing A203 is inconsistent with the dimensions found with the supporting report. However, only Drawing A203 is an endorsed document – the supporting report does not form part of the endorsed planning permit and does not represent a conflicting planning permit.</p>
<p>Performance Criteria – Clause 26.3.1</p> <p>The representor asserts that the proposed use does not comply with P5 of Clause 26.3.1 (Discretionary Uses if not a single dwelling) as otherwise suggested by the application supporting report for the following reasons:</p> <ul style="list-style-type: none"> • That the applicant’s logic that the proposal is consistent with an existing visually obtrusive development (the Bridport airfield) is misconceived. • That the surrounding area primarily consists of single story dwelling and small rural sheds which is self-evidently inconsistent with the propose development. 	<p>The planning application must be assessed as if the draft amendment is currently in force. If the draft amendment was currently in force, then all proposed uses would be Permitted Uses and would thereby comply with Acceptable Solution A5(a) of Clause 26.3.1 and would not require consideration against P5.</p>

<ul style="list-style-type: none"> That the height of the proposed hangars and storage units would be prominent and detract from the visual aesthetics of the surrounding and its rural views. 	
<p>Performance Criteria – Clause 26.3.2 (Dwellings)</p> <p>The representor asserts that the proposed use doesn't not comply with P1.1 of Clause 26.3.2 (Dwellings) as the application has not demonstrated that the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use.</p>	<p>The planning application must be assessed as if the draft amendment is currently in force.</p> <p>The Planning Authority considered Performance Criteria P3 of Clause 26.3.2 within Part B of its Agenda Report dated 19 September 2022 where it considered the site to be practicably incapable of supporting a viable agricultural use or being included with other land for agricultural or other primary industry use.</p> <p>It is also important to note that the only component of the planning application that relies upon compliance with P3 of Clause 26.3.2 is the caretaker's residence ancillary to the self-storage facility.</p>
<p>Safety Issues</p> <p>Concern that the proposed development will cause significant updrafts and side drafts which will lead to a serious safety issue to aircraft attempting to take off and land. The representor asserts that the development of a fuel station under the flight path has the potential for disaster.</p>	<p>No applicable use or development standards that relate to the safety of aircraft apply to the proposed use and development.</p>
<p>Bushfire Hazard Management Area</p> <p>Concern that the approved bushfire hazard management plan would proceed on an incorrect factual basis, with particular reference to page 3 of the report where it states <i>'that there will be no structures pursuant to the proposed Application'</i> when both the petrol station and sign would be located on Lot 1.</p>	<p>The relevant section on page 3 of the Bushfire Hazard Management Plan reads as follows:</p> <p><i>"A 2 lot subdivision is proposed for existing title CT 23494/1, 1954 Bridport Road, Bridport.</i></p> <p><i>Lot 1 will be 2101 m² and contains no structures. The balance lot will be 2.32ha. The property is grassland and contains sheds (balance) but no dwellings. Both lots have frontage to Bridport Road."</i></p> <p>Within the context of the whole paragraph it is evident that the report is describing the proposed subdivision in relation to the site as it currently exists.</p> <p>Further bushfire consideration, including an additional bushfire hazard management plan, will be required as part of any building approval process to ensure that the proposed buildings are sufficiently designed to withstand the expected level of fire attack.</p>
<p>Traffic Impact Assessment</p>	

<p>Concern that the Traffic Impact Assessment, which notes that the subject site proposes a single two-way access for Lot 1 and a shared two-way access for both Lot 1 and the balance lot, is inconsistent with the planning application which notes that the southern shared access is an exit only access and that the traffic impact assessment proceeds on an incorrect factual basis.</p>	<p>As detailed with the Planning Authority’s assessment of the planning application in Part B of its Agenda Report dated 19 September 2022, the traffic impact assessment underwent several revisions, with the final version - dated 16th June 2022 - showing a single two-way access for Lot 1 and a shared two-way access for both Lot 1 and the balance lot in response to feedback from the Department of State Growth to remove a third access at the southern-most part of the balance lot. The <i>Plan of Subdivision, Plan of Subdivision – Development Overlay, and Plan of Subdivision – Stormwater Design</i> were all revised on 12th July 2022 to provide greater consistency with the traffic impact assessment and to remove reference to this previously intended third vehicle access. This revision, however, did not correct the ‘proposed exit only access’ notation within these plans.</p> <p>Whilst a minor inconsistency, for the sake of completeness it is recommended that Condition 7 (Construction of Crossovers – Bridport Road [DSG State Road Reserve]) be amended to include the requirement that both the northern and southern accesses provide for dual entry and exit. Refer to recommended amendments to the permit conditions – Appendix 3.</p>
<p>Assessment Process</p> <p>Concern that the application has been pushed through due to a perceived need for an additional service station.</p>	<p>As detailed within the third party revision history of the supporting application report, the provision of concept drawings for the proposal was first provided to the applicant in April 2021. Since that time, the application has been through numerous revisions in response to changing scopes of the project (beginning from just a service station, to a potential masterplan and combined rezoning and development proposal in cooperation with the airfield, to a rezoning/masterplan development plus subdivision, and finally to the application as finalised and received by Council as a valid planning application on 16th August 2022. As such, the application has taken almost a year and a half before it was in a position to be lodged as a valid planning application.</p> <p>When assessing the valid planning application, the Planning Authority has complied with its statutory assessment timeframes required by the LUPA Act.</p>
<p>Public Consultation</p> <p>Concern that the applicant has not consulted the adjoining landowner of 1992 Bridport Road ‘<i>in any way whatsoever concerning the application of the amendment to the planning scheme</i>’.</p>	<p>While it is often a beneficial practise, there is no statutory requirement for an applicant to engage in pre-emptive discussions with adjoining landowners.</p> <p>Statutory consultation, along the right to submit representations and appeal decisions, is facilitated through the public exhibition process whereby all adjoining landowners were directly notified by letter of the proposal and the timeframe in which to submit a representation.</p>
<p>Consideration of Car Wash</p>	

<p>That the planning application ought to have included the intended future car wash as part of the application so as to ensure proper consideration of the additional chemicals and potentially hazardous materials that such a use may release.</p>	<p>The Planning Authority and the Commission must consider the planning application as it is presented to it and as if the draft amendment were in force.</p> <p>The applicant is under no obligation to apply for the use and development of a car wash as part of this Combined Permit and Amendment application. Consideration of matters relating to a specific car wash use and development concept would be considered when an application for such proposal is submitted to the Planning Authority.</p>
<p><i>Recommended Action</i></p>	<p><i>Impact on the draft amendment as a whole</i></p>
<p>No modification of the draft amendment is recommended.</p> <p>It is recommended that modification of the conditions of PLA/2022/1266 be made to clarify the approved crossover configuration and how stormwater management would occur. Refer to recommended amendments to the permit conditions –Appendix 2.</p>	<p>It is considered that the representation would have no effect on the draft amendment, as a whole.</p>

APPENDIX 1 – REPRESENTATIONS

See separate attachment.

APPENDIX 2 – DRAFT PERMIT PLA/2022/1266 APPROVED BY THE PLANNING AUTHORITY 19 SEPTEMBER 2022

See separate attachment.

APPENDIX 3 – DRAFT PERMIT PLA/2022/1266 WITH RECOMMENDED AMENDMENTS TO THE CONDITIONS OF PERMIT

See separate attachment.

APPENDIX 4 – HAZARDOUS CHEMICALS: GUIDE FOR SERVICE STATION OPERATORS UNDER THE WORK HEALTH AND SAFETY ACT 2012

See separate attachment.

From: [Louise Brooker](#)
To: [Development Applications](#)
Subject: Representation relating to 1954 Bridport Road.
Date: Tuesday, 1 November 2022 12:41:49 PM
Attachments: [image.png](#)
[1954_map.png](#)
[Healthy new growth of saltmarsh.docx](#)

To the General Manager,

I wish in this representation to discuss some issues I have with the Development Application 1266/2022 for the construction of a fuel depot at 1954 Bridport Road, Bridport, Tasmania. Although the Dorset Council Website indicates a public consultation period taking place between the 1/10/22 and the 1/11/22 – there was no sign at the premises to indicate that the community could participate and those who may have wished to comment, missed the opportunity.

My issues are not with the subdivision, but with insufficient attention being given to environmental matters. I am hoping that these comments may give a local knowledge context to what is missing from the deliberations of both the Dorset Council Town Planners and the surveyors and engineers of PDA, whose research looks to be desk-top rather than in situ. Before this plan progresses, an environmental impact study should take place and these deliberations taken into account.

Contamination of runoff

Regardless of whether this proposal is assessed under the Dorset Interim Planning Scheme 2013 or the Tasmanian Planning Scheme State Planning Provisions 2022 both the Town Planners and the Surveyors and engineers of PDA have neglected to assess the ramifications of storm water runoff containing **fuel contamination**, which is very likely, considering the use the land will be put to. I noticed one of the criteria for assessment was Potentially Contaminated Land, but little effort has been put into describing what contamination might occur **to the land and water** as a result of the development. Not enough work has been produced to convince me that this risk will be ameliorated. For a light industrial plan, it is troubling that there is no mention of specific chemicals and how they would be treated.

4.2 Tasmanian State Coastal Policy 1996

RESPONSE from the Surveyors and Engineers [PDA] indicates that this policy is not applicable as the subject site is located over 1.6 km from the high tide water mark of the closest coast line.

My comment:

The truth is the last 300 metres of Brewers Creek before it gets to Trent Water is tidal. There is a weir across Brewers Creek [see attached Screenshot '1954 map'] where at high tide, the salt water in Trent Water meets the fresh water of Brewers Creek. So in actual fact it is here, at the weir that the coastline begins. Between the weir and the Creek's entry proper into Trent Water is a section of the creek which supports seagrass habitat which is a nursery for small fish. This tidal stretch of the creek is very important environmentally and supports its own small patch of saltmarsh. This fact should be taken into account.

Another RESPONSE from Town Planner states:

“(iii) Vehicle Fuel Sales and Service use classes more than 800 metres from the tidal waters of Trent Water will not affect the natural and cultural values of the coast..... “and not compromise the shared responsibility of management and protection of the coastal zone”.

My Comment:

The shore of Trent Water [at the weir] is just 600 metres from the drain of the subject site, and could be easily compromised by any pollutants that might overflow the detention basin and flow into the drain and into Trent Water via Brewers Creek. Trent Water is a sensitive, fragile environment. As a naturalist I have made a study of and documented in photographs the recent development of new saltmarsh growing in the Trent Water. This saltmarsh is protected under the Environment Protection and Biodiversity Conservation Act 1999. [for local knowledge see attached Word document published in the North East Naturalist Newsletter September 2022 <http://www.netasfieldnats.com.au>] As will be noted from this document, Trent Water supports a further 12 ha of saltmarsh. I feel a responsibility to protect the values of this zone and the new saltmarsh closer to the Village as it is an indication of the health of the Trent Water reviving after many years of abuse.

4.3 State Policy on Water Quality Management 1997

Under this heading the RESPONSE states: ‘The proposed use and development would result in a change to the surface water of the subject site, specifically in regard to a concentration in flow of storm water from impervious surfaces. The developer has indicated that the intention is to collect storm water from buildings into large rain water tanks for the purpose of reuse, with excess rainwater diverted to an onsite detention

basin before eventual drainage to a watercourse. It is intended that a car wash be established at the site as part of a future development, with water used for car washing to be collected, treated and reused as part of the operation of the car wash. Water is also proposed to be stored onsite for fire-fighting purposes given the site is not connected to a reticulated water supply’.

Storm water management report

Again from the Town Planner “There is an existing open drain which drains the property in a northern direction. The discharge from the open channel enters private property to the north and then runs down to an unnamed watercourse, which forms a tributary of Brewer’s Creek.”

My Comment:

It is quite obvious from these comments that the Project Manager is quite happy for the storm water to flow through the drain and into Brewers Creek and then to Trent Water.

Draining into the North East corner of 1954 and into Brewers Creek only 323 metres to the east, this storm water which comes not only from the roofs of the buildings, but will carry contaminants from petrol station spills, detergents and weed seeds from the car wash . Although the comments in the application relating to the existing service station in Bridport are not relevant to this application, it indicates the site has the potential to be heavily contaminated. The rainwater tanks and detention basin will definitely not be big enough to hold the runoff. In fact the idea is quite ludicrous.

On its way to Trent Water, Brewers Creek flows into and out of three farm dams and is pumped to feed cattle in one instance. These dams contain platypus, eels and frogs and support a number of wetland bird species such as white-faced heron, the great and the little pied cormorants, Nankeen night herons, pacific black ducks, Australian wood ducks and chestnut teal. Less common but seen only 200 metres away was Latham’s snipe [2012] and the Australasian bittern is believed to nest on an adjoining wetland just 1.1km away. It is classified as Endangered under the EPBC Act 1999 and its population is decreasing. [attached photo taken on that property in December 2016]

POSSIBLE SOLUTIONS.

ENVIRONMENTAL IMPACT STUDY

It is imperative that this be carried out and recommendations made by an independent consultant before any permits are issued.

STORM WATER MANAGEMENT

Comment: Calculations based on modelling using the Bransby-Williams formula conceived in **1922**, have not been updated to take Climate Change excesses into account.

Attached is a photo of the ditch alongside the main road. I have included this because it will indicate the amount of water that Brewers Creek already has to deal with.

A CONSTRUCTED WETLAND.

The detention basin should be moved away from the north eastern boundary – where it is close to an important agricultural use – I believe the neighbouring property raises Murray Grey cattle. It should be moved into the middle of the said block [1954] where there is more space for a constructed wetlands. Whilst the detention basin and the idea of reusing water is admirable, it still doesn't address the probability that the water may be contaminated – indeed there is no evidence in the plan that there is any intention of treating contaminated water or how it would be done.

Best practice would be to construct a system of wetlands like those used to treat sewage and other waste-waters with high levels of contaminants. Refer to NRM South, derwentestuary.org.au; greeningaustralia.org.au 41 South Salmon farm uses a wetland system for its land-based salmon farm. I have seen one on King Island.

There is sufficient space between the petrol station/car wash area and the detention basin for a treatment area consisting of reed beds specifically designed to deal with pollution. This could work in conjunction with the detention basin if planned intelligently. Reed beds are an ecologically sound way of dealing with waste. Microorganisms, algae and fungi in the soil digest the waste contaminants to a point where the waste water becomes clean.

image.png

COLLECTION OF BASELINE DATA

Since Brewers Creek and Trent Water are so important environmentally, it is imperative that baseline data be collected from the drain-line and the Creek. This will ensure that the local authority **can** properly measure the quality of future runoff and performance of such installations can be measured. This may have to be done by an independent expert, perhaps an officer of the EPA, as the Dorset Council does not employ a Natural Resource Manager any longer.

Attachments:

Word Document : Healthy New Growth of saltmarsh

JPG 1 Australasian Bittern December 2016.

JPG 2 titled '31 October 2022'

JPG 3 & 4 titled '2021 new saltmarsh Trent Water [1] and [2]

Screenshot – '1954 map'

Submitted by

Louise Brooker,

■ Edward Street,

Bridport.

mob. ■■■■■■■■■■



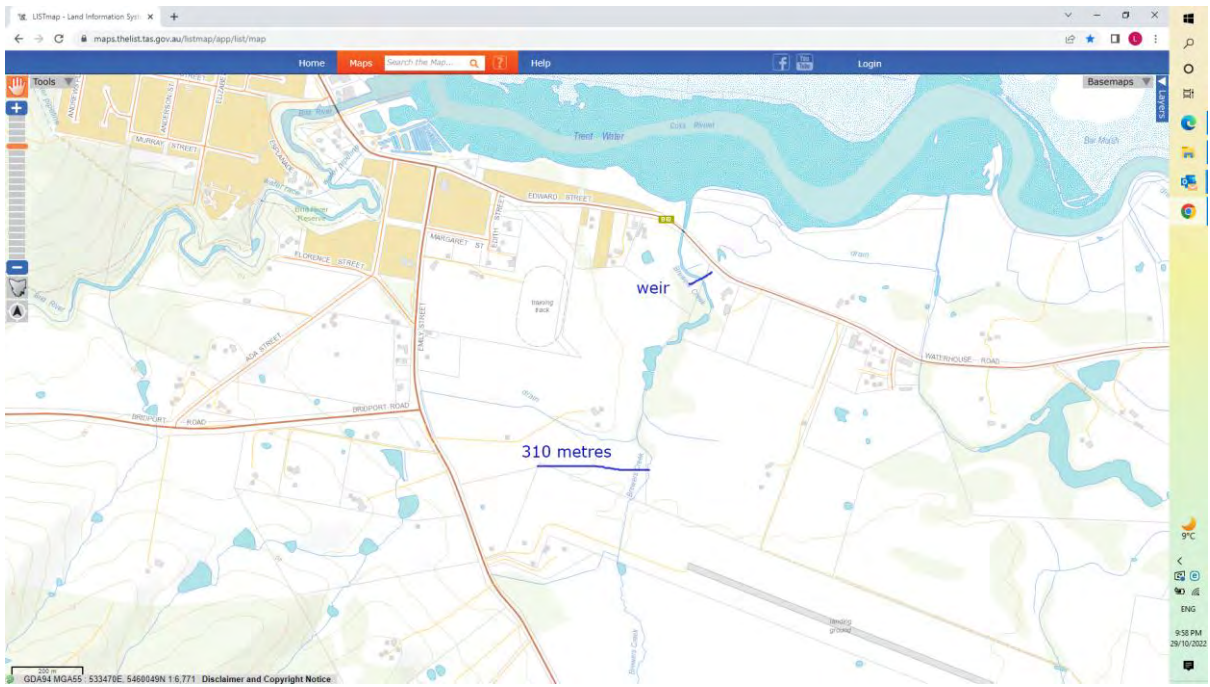
Australasian Bittern December 2016



31 October 2022



2021 new saltmarsh Trent Water (1) and (2)



1954 Map

From: [General Manager](#)
To: [Development Applications](#)
Subject: FW: 1954 Bridport Road Development
Date: Tuesday, 1 November 2022 2:38:14 PM

From: Tim Jensen [REDACTED]
Sent: Tuesday, 1 November 2022 2:26 PM
To: General Manager [REDACTED]
Subject: 1954 Bridport Road Development

Dear Sir,

I am writing to raise my concerns regarding the proposed development at 1954 Bridport Road, Folio of the Register 235494/1.

My concerns are as follows:

- 1.) On Page 21 of the proposal documents under recommendations Paragraph 1) b) Apply a site specific qualification to the land to provide unqualified Permitted use status for the following use classes:
 - iii) Service Industry.

I am concerned that to provide unqualified Permitted use for this property leads to the possibility of development in this area of Bridport that would be better directed to the Light Industrial Zone.

- 2.) I have concerns regarding the run off of storm water surplus on the 1954 Bridport Road development once the three proposed 40000 litre tanks are filled. I note that the discharge is not permitted to increase by greater than 10 % of the current rate but I am concerned as to where this will be directed. On page 23 it is indicated that this water will be directed to a watercourse. On page 36 the report states that the development is not within 50m of a wetland or watercourse. Therefore where is this excess directed?
- 3.) I am also are concerned regarding run off from the proposed Service Station to the road drains on Bridport Road as this area has been under water since the Bridport/ Scottsdale Road redevelopment in heavy rain events.

I would also like to point out the error on page 17 of the document stating "At present there are no self-storage facilities within the township...". I own self storage facilities at Heckrath Road Bridport.

Thank you for giving consideration to my concerns,

With thanks,
Timothy David Jensen
[REDACTED] Waterhouse Road Bridport 7262

Postal Address [REDACTED] Tas 7262.

Phone [REDACTED]

Email [REDACTED]

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For more information please visit <http://www.symanteccloud.com>

1 November 2022



Dorset Council
PO Box 21
Scottsdale TAS 7260

Attn: General Manager

Via email: development@dorset.tas.gov.au

Dear Sir/Madam

Re: REPRESENTATION - COMBINED PERMIT AND AMENDMENT – AMENDMENT 1/2022 AND PLA/2022/1266

I am the property owner of 1992 Bridport Road, Bridport in Tasmania (**my Property**). My Property is the northern adjoining neighbour to the property situated at 1954 Bridport Road, Bridport in Tasmania (**the Subject Site**).

I have owned and ran my farm from my Property for approximately thirty-four (34) years. I run approximately seventy (70) head of beef cattle and cut, on average, one hundred and fifty (150) bales of silage off my Property each year.

I wish to lodge a representation concerning the Combined Permit and Amendment – Amendment 1/2022 and PLA/2022/1266 (**the Application**) as submitted to the Dorset Council (**the Council**) by PDA Surveyors (**the Applicant**) and as advertised by the Council from 1 October 2022 to 1 November 2022.

I have commenced my representation with reference to the application to amend the Planning Scheme. I have further represented as to the proposed permit application.

(1) Application to Amend Planning Scheme

Before the Planning Scheme can be amended, regard must be had to s.32 of the former provisions of the *Land Use Planning and Approvals Act 1993* (**the LUPA Act**).

A. Environmental Impact

It is clear, from review of the various policies which apply to the regional land use strategy (such as the RLUS or NRLUS referenced in the Application) that any impact upon the environment as a result of the zoning amendment and development of the Subject Site must be assessed. This is a requirement pursuant to s.300 of the LUPA Act. Furthermore, s.32(1)(f) of the LUPA Act expressly requires consideration of the use and development of the region as an entity in, amongst other things, “*environmental*” terms. Finally, the objectives stipulated under Schedule 1 of the LUPA Act (which must be considered per s.20(1)(A)) seek to ensure, at Part 2:

“... the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.”

One of the primary aims of the proposed amendment to the Planning Scheme is to ensure the Applicant can develop a petrol station on the Subject Site.

It is relatively uncontroversial that petrol stations are potential sources of petroleum product soil contaminations. Even if they are subject to several environmental regulations (which have not been

considered in the Application), there are still significant soil contaminations in the environs of petrol stations, due mainly to fuel spills and fuel tanks leaks. Fuel spills from petrol stations can affect the surrounding environment and people's health.

Further, it is clear that the Applicant intends to develop the Subject Site to include a carwash in the future. Given it encompasses part of the specific design plan submitted by S.Group for "*illustration purposes*", one would have thought it appropriate for the carwash to be included in the Application. It is unclear why it hasn't, even though it is intended to be constructed. In my view, the Application should be amended to specifically encompass the intended use of a carwash.

Leaving that issue to one side, the development of a carwash contemplates the use of additional chemicals and potentially hazardous materials to the environment. A car can be exposed to various pollutants, chemicals, sediment and heavy metals (i.e. copper, cadmium, lead and zinc) which stick to a car and are therefore wash away into storm drains or natural overflows. Of course, the cleaning materials themselves are also potentially hazardous.

It is stated that "*... storm water from the storage units on the site would be captured, filtered and repurposed*" but it is not clear from the Application how that will occur, how wastewater will be captured, or how the water will be treated. This is discussed in more detail below.

The Application does not include an environmental impact statement, nor does it consider the risk of contamination. Despite this, the Application includes the somewhat self-serving submission that:-

"The emissions generated by the proposed uses are not likely to cause an environmental nuisance. The likely emissions are fuel odour and noise, which occur within the surrounding area due to the presence of the Bridport airfield and the subject site's location along Bridport Road."

Similarly, the Council Report states:

"The uses proposed by the site-specific qualification would be non-agricultural land uses that would occur on a site that is proximate to an existing settlement and existing rural development, in a manner that would not undermine water quality, scenic rural landscapes, agricultural activities nor the natural environment within the immediate surrounds."

It is surprising that these statements are made when there is an absence of any evidence to support a conclusion that the amendment to the Planning Scheme would not harm the natural environment within the immediate surrounds of the same, particularly when one considers the intended use of the Subject Site. To the contrary, when one considers the impact of the stormwater and overflow issues addressed below, it seems that the prospect of petroleum or diesel spillages flowing over into the neighbouring properties, including my Property, is relatively high.

Further to the above, I have a dam situated on my Property where I have observed platypus creating a natural habitat. The platypus is totally protected throughout Australia. Although still common in many parts of Tasmania, it is vulnerable to the continuing degradation of suitable water bodies and burrowing habitats. The government has introduced the Tasmanian Platypus Management Plan 2010, which the Application fails to address.

It would only take minimal petroleum or diesel spillage to overflow into my Property and into the dam to totally destroy the natural habitat of the platypus. The Application has failed to address this. The applicant has failed to consult with me in any way whatsoever concerning the Application or the amendment to the Planning Scheme.

In my respectful submission, appropriate investigations have not been completed and the Application is inconsistent with the requirements of s.32(1)(f). Consequently, pursuant to s.33(2B)(a) of the LUPA Act, the Application should be rejected by the Commission.

B. Stormwater & Overflow

The Application indicates that the land situated on the Subject Site is "*relatively flat*". I note that no topographical map demonstrating the contour of the land accompanies the Application.

The Application also indicates that a detention basin will be located on the northern boundary of the Subject Site adjoining my Property. That basin is in close proximity to my boundary fence. More specifically, the Stormwater Management Report indicates the redirection of, at least, half of the Subject Site's stormwater to the north. The proposed detention basin detailed on the plans indicates that the water will exit the basin via a 450mm pipe to be dispersed onto my Property. This creates several issues.

Firstly, there is no drain on my Property anywhere near this location. I can only assume that the water will not be directed onto my Property and that the plans are incorrect. If the plans are correct, clearly the Application as proposed poses as a substantial legal nuisance and will significantly impact my Property. If the plans are incorrect, it leaves me wondering whether a site visit has ever occurred and what other errors exist.

Secondly, due to the development of the site and the creation of impervious services, ground water absorption would reduce and, in turn, increase the amount of stormwater to be handled.

Thirdly, the Drain models in the Stormwater Management Report (see Figures 5, 6 and 7) seem to indicate that water from the drain alongside Bridport Road in front of the Subject Site will also be taken into the Subject Site and re-directed north. Due to my local knowledge and the numerous inspections I have done over the years and, more specifically, the last few weeks, I confirm that during wet weather the water in the drain alongside Bridport Road in front of the Subject Site spills over and runs from the north to the south. It continues south under the airport access and then enters private land adjoining the airport to the south. I have detailed my finds of the current stormwater catchment and flow direction alongside Bridport Road on a plan that I can make available. Once again, the absence of detail in the Application on this issue indicates a lack of a proper site inspection.

Fourthly, and based on the above, re-directing water to the detention basin would result in an increase in excess of 10% as proposed in the Application; especially when the road has flooded in front of the Subject Site on at least three (3) occasions this year. I believe Council can confirm this as I understand they put signs up when this specific section of Bridport Road floods. As noted above, this would only exacerbate the nuisance the basin poses.

Fifthly, I dispute that the land is "*relatively flat*". In fact, the Subject Site sits on undulating land so that, in reality, the Subject Site slopes downwards to the north and south. I concede, however, that I am unaware of the specific degree to which the land undulates.

Leaving this issue to one side, it does not appear that the Application has given any consideration to the intended use of the Subject Site as a carwash and what effect that would have on the capacity of the water catchments. Further, it seems clear from the Application that there is a high risk that run off will enter onto my Property, whether from overflow of the basin or from the natural overland flows. This is a significant issue given the environmental impacts of the proposed amendment addressed above. Because of these issues, not only does the flow of water from the Subject Site to my

Property pose a nuisance, but a potential environmental nuisance given the likelihood that there will be contaminants, chemicals or hazardous materials in it.

This is contrary to the RLUS and the plan for Rural Areas in that it does not support rural and environmental lifestyle opportunities and Rural Residential Areas as a legitimate residential choice.

I already take a considerable amount of stormwater from the drain adjacent to Bridport Road through my Property. I fence this section off in my front paddock as I feel that the water passing through this ditch is not suitable to be consumed by my calves. My Property is managed to ensure that my cattle meet the criteria to be certified and sold under the Greenham's Never Ever Program. Consequently, I must be conscious of what goes on or through my Property because if any of my calves end up ill and require antibiotics I am no longer eligible to sell those animals at a premium price, resulting in financial loss to me. I should not have to isolate any further land on my Property to take more stormwater as a result of the Application. My neighbour to the east and I have also fenced off the creek that runs through the back of our properties to ensure our cattle and horses do not damage the creek banks.

I respectfully disagree with the Council Report which states that, *"The proposal is consistent with the objectives of the Act... as the impact of the proposed scheme amendment is not significant or detrimental in terms of adjoining properties."* There has been no consultation with me as an adjoining property owner and, for the reasons expressed above, I submit that there is a significant risk of the proposed amendment detrimentally affecting my Property. This is inconsistent with s.32(1)(e) of the LUPA Act. Consequently, pursuant to s.33(2B)(a) of the LUPA Act, the Application should be rejected by the Commission.

C. Airstrip/Airfield

In an effort to comply with the various strategic considerations which affect the Subject Site, the Application variously references the fact that amending the Planning Scheme would *"compliment"* the adjoining airfield/airstrip.

Furthermore, the permit application itself submits that the proposal is compatible with the local area objectives by creating *"capacity and opportunity"* for those flying into the Bridport Airport to store their aircraft. It goes on to state that the aircraft-specific development is *"required to be located on the subject property for operational efficiency of the Bridport Airfield."*

The Council Report echoes these sentiments.

However, the Bridport Airport is situated on an approximate 30ha property. It is already zoned appropriately for the construction of additional hangars or, indeed, any relevant supporting infrastructure. It therefore seems inconsistent and inefficient to re-zone an adjoining property for such a limited function as the construction of four (4) hangars. In my submission, re-zoning the Subject Site for this purpose diminishes the importance of agricultural land and is an inappropriate fragmentation of rural land inconsistent with the NRLUS.

The question must be asked: *if hangars are required, why doesn't the owner of the Bridport Airport simply build them?*

Respectfully, my concern is that the construction of hangars on the Subject Site has been included in the Application simply as an effort to comply and/or appear consistent with the applicable strategies and objectives which apply to the Subject Site.

For the reasons, I submit that appropriate investigations have not been completed and the Application is inconsistent with the requirements of s.32(1)(f). Consequently, pursuant to s.33(2B)(a) of the LUPA Act, the Application should be rejected by the Commission.

D. Storage Units

The Application leans on the alleged need for storage units within the local area. For example, the Application states:

"At present there are no self storage facilities within the township and the one petrol station is too small to service the demands associated with the growing, rural community."

It is argued, therefore, that the development of the Subject Site is consistent with various regional strategies.

However, it is not correct that there are no self-storage facilities within the township. There are, in fact, currently twenty (20) self-storage units at the light industrial site at Heckrath Road, Bridport in Tasmania. I believe that site was developed in conjunction with the Council inclusive of the installation of a specific water mains pipe together with associated works in order to promote the site.

I understand that the owner of the property is currently developing the site to include more storage, and that there are currently five (5) vacant lots as part of that development which remain available.

Leaving aside the fact that the Application provides no evidence to support the contention that the development of the storage units represents a need within the greater community, clearly that is not the case if an existing development is not currently at full capacity. Further, the Application's incorrect assertion that there are "no" storage facilities within the township indicates a lack of insight to the existing infrastructure and needs of the community.

In my submission, appropriate investigations have not been completed and the Application is inconsistent with the requirements of s.32(1)(f). Consequently, pursuant to s.33(2B)(a) of the LUPA Act, the Application should be rejected by the Commission.

E. Intended Use

As the RLUS notes, Rural Areas are those which include land rich in natural resources as well as land required for the processing of natural resources and land appropriate for rural and environmental living and other non-agricultural land uses.

The Application states that:

"The proposed use and development would provide the region with services that it currently does not have or which are underprovided."

However, as noted above, there is no evidence to support this assertion. Whilst it is correct that there is only one (1) petrol station within Bridport, there is no evidence to indicate that it is unable to comply with demand or that storage services are underprovided. No community input (other than alleged "anecdotal" support) has been sought.

In my submission, it is not consistent to amend the Planning Scheme to allow for the intended use of the Subject Site in the absence of any clear demand or need for the proposed services. That is particularly so where the RLUS' plan for rural areas seeks to support environmental lifestyle opportunities, productive rural land, and protect quality agricultural land from incompatible development.

I currently have approx. 70 head of cattle out to pasture on my Property. Clearly, the potential for the surrounding area to be quality agricultural land is high. The fact that the Subject Site is not currently used as agricultural land does not mean it won't or can't be. This ought to be considered against the lack of evidence supporting the Application that there is a clear need for the intended uses of the Subject Site.

I submit that the proposed amendment to the Planning Scheme is inconsistent with regional land use strategy and, therefore, inconsistent with s.300 of the LUPA Act. Consequently, pursuant to s.33(2B)(a) of the LUPA Act, the Application should be rejected by the Commission.

F. Agricultural Land

The Application argues that the Subject Site is not prime agricultural land, has limited agricultural use and is "*agriculturally unproductive*".

However, adjoining my northern boundary sits 35 Emily Street, Bridport. This site is just over 1ha in size and has been used as a productive market garden for over twenty (20) years. The owner of this property specialises in producing culinary herbs (grown inground) which he supplies to leading restaurants and supermarkets. The owner has used organic only nutrients on this land for fifteen (15) years. This site is smaller than the Subject Site, yet runs a very successful agricultural business.

The above indicates that the Application has not properly assessed the Subject Site and, more importantly, the surrounding areas.

Like most things, land is as good as the care you put into it. Simply because the Subject Site has sat unutilised for two years does not mean that, if proper care were taken, the land could not be utilised for an agricultural purpose. Over the last approx. 32 years, prior to the most recent purchase by the current owner, the Subject Site has ran race horses, stud cattle and yearlings. Indeed, the success of the surrounding property owners indicates to the contrary.

The NRLUS highlights the need to recognise the importance of agricultural land noting that "*... some forms of agricultural production are not necessarily constrained by soil type or fertility.*" In my view, whilst currently underutilised, the Subject Site represents the type of land which ought to be preserved as agricultural/rural in accordance with the applicable strategic plans.

For these reasons, I submit that the proposed amendment to the Planning Scheme is inconsistent with regional land use strategy and, therefore, inconsistent with s.300 of the LUPA Act. Consequently, pursuant to s.33(2B)(a) of the LUPA Act, the Application should be rejected by the Commission.

(2) Permit Application

For the reasons that follow, my submission is that the permit should not be approved.

A. Objectives of the LUPA Act

For the reasons set out under headings 1(A) and (B), I respectfully submit that the planning proposal does not further the objectives set out in Schedule 1 of the LUPA Act, particularly:-

"to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity"

And

“to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land”

The proposal clearly has significant environmental impacts upon the surrounding area, particularly my Property. Perhaps more importantly, the Applicant has not considered the effects on the environment in any way whatsoever. The latter issue is, in my view, fatal. Whilst the Council report says:-

“With the inclusion of appropriate conditions, it is considered that any potential impacts associated with the proposal would be mitigated and/or managed appropriately”

- the problem facing the Commission is that it is unable to determine what, if any, conditions should be imposed to protect against the potential environmental impacts, or what those impacts even are.

B. Errors with Plans

There are several inconsistencies with the design plans and drawings which ought be addressed.

Firstly, Drawing A207 (Hangars) indicates that the dimensions of the northern and southern elevations are inconsistent with each other. That cannot be the case and is clearly an error.

Secondly, Drawing A203 (Sign) indicates that the dimensions are 7265mm x 2010mm whereas the Application, at page 37, says the dimensions are only 5870mm x 2000m. That is a significant difference and is clearly an error.

C. Performance Criteria – Clause 26.3.1

The Application argues that it meets P5 on the basis that the *“... visual appearances of the use would be consistent with the local area. The subject property adjoins the Bridport airfield which is a visually obtrusive use...”*. The Application indicates that the bulk and scale of the proposed development is consistent with other properties within the surrounding area.

I disagree.

Firstly, the Bridport airfield is currently limited to a small number of hangars. Yet the Application proposes the development of four (4) far larger hangars in addition to a petrol station and a vast number of large storage units. If the Bridport airfield is classified as *“visually obtrusive”*, then the proposed development can only be characterised as something more obtrusive still. Respectfully, the Applicant’s logic that *“because there is one obstruction more obstructions can be developed”* is misconceived.

More importantly, aside from the Bridport Airport, all surrounding areas are Rural Living lifestyle blocks or working farms. Most consist of single story dwellings and small rural sheds. The proposed development is self-evidently inconsistent with the existing appearance of the surrounding area. The heights of the hangars and the prominent storage units detract from the visual aesthetics of the surrounding area and its rural views.

D. Performance Criteria – Clause 26.3.2

The Subject Site has not been shown to be incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use.

(3) Other Issues

I fail to see that this complex is not going to cause a serious safety issue to aeroplanes attempting to take off and land. With the massive updraft and sidedraft coming from an 80 metre long x 7metre high hangar and two seperate storage units in excess of 60 metres long x 6.8 metres high built within a few hundred metres from the end of the runway and a fuel station under the flight path. This has the potential for disaster!

The Bushfire Management Plan, at page 3, says that there will be "*no structures*" pursuant to the proposed Application. That does not appear correct, given the petrol station and sign will both be developed on Lot 1. In this instance, it seems the Bushfire Management Plan proceeds on an incorrect factual basis.

Further, the Traffic Impact Assessment, in reference to Code E4.7.2, notes that the Subject Site proposes a single two-way access for Lot 1 and a shared two-way access for the Balance Lot and Lot 1.

However, according to the Application, the southern shared access is an "*exit only*" access. this instance, it seems the Traffic Impact Assessment proceeds on an incorrect factual basis.

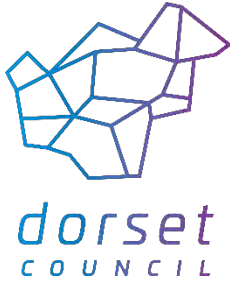
Understandably, as so many questions remain I am left feeling that adequate consideration has not been given to the overall Application and the impacts it will have and that the Application has been pushed through due to the apparent need for an additional service station which, as noted, is not supported.

I respectfully ask that the Commission reject the Application.

Yours faithfully

Barry Hall

BRIDPORT TAS 7262



Property ID: 15834 6856168

PLANNING PERMIT

Dorset Interim Planning Scheme 2013

Reference Application No. **2022/1266** made on **10 August 2022** by **PDA Surveyors**, subject to the conditions set out hereunder, permission is hereby granted for the land situate and described as **1954 Bridport Road BRIDPORT and Bridport Road (road reserve)** to be **Subdivision (1 Lot into 2 Lots) and construction of (i) Self Storage Compartments and Ancillary Caretakers Residence, (ii) Aircraft Hangars, and (iii) Service Station and Associated Signage** and have the use and development carried out in accordance with the submitted plan(s).

CONDITIONS

1. *Basis of Approval*

The use and development is approved and must be undertaken in accordance with the Endorsed Documents, except where specified otherwise in this permit and documents lodged with this application (PLA/2022/1266). Any substantial variation from this application will require the further planning consent of the Council.

The Endorsed Documents, except where specified otherwise in this permit, are the following:

- (a) Plan of Subdivision (prepared by PDA Surveyors and dated 12 July 2022);
- (b) Plan of Subdivision – Development Overlay (prepared by PDA Surveyors and dated 12 July 2022);
- (c) Plan of Subdivision – Stormwater Design (prepared by PDA Surveyors and dated 12 July); and
- (d) Floor and Elevation Plans A201, A202, A203, A205, and A207 (prepared by S. Group and dated 23 February 2022).

2. *Amended Plans*

Prior to sealing of the final Plan of Survey, and to the satisfaction of Council's Town Planner, the responsible person must submit an amended Site Masterplan A101 (prepared by S. Group and dated 23 February 2022), that:

- (a) removes reference to the third southernmost vehicle access proximate to the frontage of the adjoining 1952 Bridport Road Bridport; and

- (b) relocates the three (3) proposed 40,000 litre water tanks and pump shed to be clear of the proposed stormwater management and detention system as detailed within the endorsed '*Stormwater Management Report – 1954 Bridport Road, Bridport, Tasmania*' (prepared by PDA Surveyors and dated 20 June 2022).

When approved by the Council's Town Planner, the amended Site Masterplan will be endorsed and will then form part of this permit.

3. *Bushfire Hazard Management Plan*

- (a) Prior to sealing of the final Plan of Survey and the commencement of the approved uses, an amended Bushfire Hazard Management Plan, and associated supporting content, must be submitted that is consistent with the location of the two vehicle access points detailed within the Plan of Subdivision prepared by PDA Surveyors dated 12 July 2022, to the satisfaction of Council's Town Planner.
- (b) The development must comply with the amended Bushfire Hazard Management Plan, and associated supporting content, identified in (a) above.

4. *Site Landscaping Plan*

Prior to sealing of the final Plan of Survey, a Site Landscaping Plan (the Plan) must be submitted for approval by Council's Town Planner that will, upon its implementation, suitably enhance the visual amenity of the Bridport Road tourist corridor. The Plan must be prepared by a suitably qualified person, must be drawn to scale and must include the following details:

- (a) major site features such as building footprints, topography, contours, existing vegetation and street boundaries;
- (b) existing and proposed garden areas and plantings (including a schedule of all proposed trees, shrubs and groundcover including common name, botanical name and like size at maturity) along the frontage of, and throughout, the site;
- (c) any stabilisation works required as a result of tree or vegetation removal; and
- (d) any screen plantings (where required).

Once approved by Council's Town Planner, the Plan will be endorsed and will form part of the permit. The landscaping required by the Plan must be:

- (a) installed in accordance with the endorsed Plan;
- (b) sufficiently initiated within three (3) months of the commencement of the approved use(s) to which the respective landscaping areas and plantings are subservient; and
- (c) maintained to the satisfaction of Council's Town Planner and must not be removed, destroyed or lopped without the written consent of the Council's Town Planner.

5. Stormwater Management

- (a) Prior to the sealing of the final Plan of Survey, all stormwater works and requirements identified by the endorsed '*Stormwater Management Report – 1954 Bridport Road, Bridport, Tasmania*' prepared by PDA Surveyors and dated 20 June 2022 must be completed to the satisfaction of Council's Town Planner, to ensure that stormwater is discharged from the site in a manner than will not increase the amount of stormwater discharge from the site by more than 10% of the discharge which exists at the effective date of this planning permit.
- (b) Prior to the commencement of works identified in (a), preliminary design plans prepared and certified by a Practising Engineer for works identified in (a) above must be submitted to the Council's Town Planner and prepared to the satisfaction of the Council's Town Planner for approval.

6. Demolition

Prior to sealing of the final Plan of Survey, all approved demolition works must be completed in a manner that ensures the protection of property and services which are to either remain on or adjacent to the site from interference or damage.

7. Construction of Crossovers – Bridport Road (DSG State Road Reserve)

- (a) Prior to sealing of the final Plan of Survey and the commencement of the approved uses, and to the satisfaction of Council's Town Planner, all vehicle accesses to the subject land from the road verge of Bridport Road must be designed and constructed, complete with signage and line marking, in accordance with the Department of State Growth's rural road heavy vehicle access requirements, complete with:
 - (i) a minimum sealed access width of 6 metres for the northern access;
 - (ii) a minimum sealed access width of 11 metres for the southern access;
 - (iii) driveable culvert endwalls for all accesses; and
 - (iv) associated vegetation clearance required by the Department of State Growth to improve sight distances.
- (b) Prior to the commencement of any works identified in the Bridport Road Reserve required by (a), the person responsible must be issued with the appropriate works approval by the Department of State Growth. Evidence of this permit must be provided to the Council's Town Planner.

8. Construction of Vehicle Parking and Internal Access

Prior to the commencement of the approved uses, and to the satisfaction of Council's Town Planner, areas set aside for the parking of vehicles, together with the aisles and access lanes, must be provided in accordance with the amended Site Masterplan referred to at Condition 2 above. These areas must be provided with an impervious all weather surface that is:

- (a) constructed, drained and maintained as necessary to minimise:

- (i) the formation of potholes and depressions according to the nature of the subgrade and vehicles which will use the areas; and
 - (ii) the emission of dust or the discharge of uncontrolled drainage; and
- (b) marked or provided with clear physical means to delineate vehicle parking spaces.

9. Easements

Easements are required over all Council and third party services located in private property. The incorporation of any necessary easements including drainage easements over sewer and storm water pipelines are to be shown. Easements must include any overland drainage paths where concentrated water runs. The minimum width of any easement must be 3 metres for Council (public) mains.

10. Covenants

Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision permitted by this permit unless:

- (a) such covenants or controls are expressly authorised by the terms of this permit; or
- (b) such covenants or similar controls are expressly authorised by the consent in writing of the Council; or
- (c) such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a Plan of Survey and associated title documentation is submitted to Council for sealing.

11. Sealing Plan of Survey

No Plan of Survey will be sealed by Council for the approved lots until the following matters have been completed to the satisfaction of the Council's Town Planner and made at the responsible person(s) cost:

- (a) satisfactory completion of public and private infrastructure and service works/installation in accordance with the Council's and any requisite responsible authority/s requirements (including the provision of engineering certification where required); and
- (b) sufficient evidence that Substantial Commencement of Works has been achieved for the approved service station; and
- (c) any payment or action required by a planning permit condition to occur prior to the sealing of the Plan of Survey.

NOTE: For the purpose of this permit "**the person responsible**", depending on the context, means:

- (a) The person who has and takes the benefit of this permit for the undertaking of the use or development authorised pursuant to it;
- (b) The person or persons who undertake development or use pursuant to this permit; and
- (c) Servants, agents and contractors, in each case of such persons.

Dated at Scottsdale this – 19 September 2022



ROHAN WILLIS
Director – Community and Development

I certify that I have checked that the permit conditions for the application referred to as PLA/2022/1266 for 1954 Bridport Road BRIDPORT corresponds with the decision of the delegated officer.

ADVISORY NOTES

(i) Permission in Writing

Any reference to the need for Council approval of a matter or thing prescribed under the conditions pertinent to this permit requires such approval to be given in writing.

(ii) Objections to Proposal

This permit has no effect until the expiry of the period for the lodgement of an appeal against the granting of the permit or, if an appeal is lodged, until ten days after the appeal has been determined by the Resource and Planning Stream of the Tasmanian Civil and Administrative Tribunal (TASCAT).

(iii) Appeal Provisions

Attention is directed to sections 61 and 62 of the *Land Use Planning and Approvals Act 1993* (as amended) which relate to appeals. These provisions should be consulted directly, but the following provides a guide as to their content:

A planning appeal may be instituted by lodging a notice of appeal with the Resource and Planning Stream of the Tasmanian Civil and Administrative Tribunal (TASCAT).

A planning appeal may be instituted within 14 days of the date the planning authority serves notice of the decision on the applicant.

(iv) Permit Commencement

This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource and Planning Stream of the Tasmanian Civil and Administrative Tribunal (TASCAT) is abandoned or determined. If an applicant is the only person with a right of appeal pursuant to section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing.

(v) Period of Approval

Pursuant to Section 53(5) the *Land Use Planning and Approvals Act 1993*, this approval will lapse after a period of two (2) years from:

- (a) the date on which the permit is granted; or
- (b) if an appeal has been instituted against the planning authority's decision to grant the permit, the date of the determination or abandonment of the appeal,

if the use or development is not substantially commenced within that period.

(vi) Other Approvals

This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:

- (a) Building approval
- (b) Plumbing approval

Appendix 3 – Copy of Draft Permit PLA/2022/1266 with Recommended Amendments to the Conditions of Permit

1. Basis of Approval

The use and development is approved and must be undertaken in accordance with the Endorsed Documents, except where specified otherwise in this permit and documents lodged with this application (PLA/2022/1266). Any substantial variation from this application will require the further planning consent of the Council.

The Endorsed Documents, except where specified otherwise in this permit, are the following:

- (a) Plan of Subdivision (prepared by PDA Surveyors and dated 12 July 2022);
- (b) Plan of Subdivision – Development Overlay (prepared by PDA Surveyors and dated 12 July 2022);
- (c) Plan of Subdivision – Stormwater Design (prepared by PDA Surveyors and dated 12 July); and
- (d) Floor and Elevation Plans A201, A202, A203, A205, and A207 (prepared by S. Group and dated 23 February 2022).

2. Amended Plans

Prior to sealing of the final Plan of Survey, and to the satisfaction of Council's Town Planner, the responsible person must submit an amended Site Masterplan A101 (prepared by S. Group and dated 23 February 2022), that:

- (a) removes reference to the third southernmost vehicle access proximate to the frontage of the adjoining 1952 Bridport Road Bridport; and
- (b) relocates the three (3) proposed 40,000 litre water tanks and pump shed to be clear of the proposed stormwater management and detention system as detailed within the endorsed '*Stormwater Management Report – 1954 Bridport Road, Bridport, Tasmania*' (prepared by PDA Surveyors and dated 20 June 2022).

When approved by the Council's Town Planner, the amended Site Masterplan will be endorsed and will then form part of this permit.

3. Bushfire Hazard Management Plan

- (a) Prior to sealing of the final Plan of Survey and the commencement of the approved uses, an amended Bushfire Hazard Management Plan, and associated supporting content, must be submitted that is consistent with the location of the two vehicle access points detailed within the Plan of Subdivision prepared by PDA Surveyors dated 12 July 2022 [and design in accordance with Condition 7 of this permit](#), to the satisfaction of Council's Town Planner.

Appendix 3 – Copy of Draft Permit PLA/2022/1266 with Recommended Amendments to the Conditions of Permit

- (b) The development must comply with the amended Bushfire Hazard Management Plan, and associated supporting content, identified in (a) above.

4. Site Landscaping Plan

Prior to sealing of the final Plan of Survey, a Site Landscaping Plan (the Plan) must be submitted for approval by Council's Town Planner that will, upon its implementation, suitably enhance the visual amenity of the Bridport Road tourist corridor. The Plan must be prepared by a suitably qualified person, must be drawn to scale and must include the following details:

- (a) major site features such as building footprints, topography, contours, existing vegetation and street boundaries;
- (b) existing and proposed garden areas and plantings (including a schedule of all proposed trees, shrubs and groundcover including common name, botanical name and like size at maturity) along the frontage of, and throughout, the site;
- (c) any stabilisation works required as a result of tree or vegetation removal; and
- (d) any screen plantings (where required).

Once approved by Council's Town Planner, the Plan will be endorsed and will form part of the permit. The landscaping required by the Plan must be:

- (a) installed in accordance with the endorsed Plan;
- (b) sufficiently initiated within three (3) months of the commencement of the approved use(s) to which the respective landscaping areas and plantings are subservient; and
- (c) maintained to the satisfaction of Council's Town Planner and must not be removed, destroyed or lopped without the written consent of the Council's Town Planner.

5. Stormwater Management

(a) Prior to the commencement of works, and to the satisfaction of Council's Town Planner, the responsible person must submit an amended Stormwater Management Report – 1954 Bridport Road, Bridport, Tasmania (prepared by PDA Surveyors and dated 20 June 2022) that:

- (i) demonstrates that all stormwater overflow not otherwise managed within the bounds of the subject site will be directed to the existing legal point of discharge and subsequently disperse to 1952 Bridport Road;
- (ii) removes all reference to stormwater overflow being directly discharged to 1992 Bridport Road; and
- (iii) demonstrates that appropriate measures will be implemented to ensure that no stormwater overflow will be directed to, or collected

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Appendix 3 – Copy of Draft Permit PLA/2022/1266 with Recommended Amendments to the Conditions of Permit

from, the adjacent roadside drain within the Bridport Road road reserve.

When approved by the Council's Town Planner, the amended Stormwater Management Report will be endorsed and will then form part of this permit.

(a)(b) Prior to the sealing of the final Plan of Survey, all stormwater works and requirements identified by the amended version of the endorsed 'Stormwater Management Report – 1954 Bridport Road, Bridport, Tasmania' prepared by PDA Surveyors and dated 20 June 2022 referred to in (a) above must be completed to the satisfaction of Council's Town Planner, to ensure that stormwater is discharged from the site in a manner than will not increase the amount of stormwater discharge from the site by more than 10% of the discharge which exists at the effective date of this planning permit.

(b)(c) Prior to the commencement of works identified in (ba), preliminary design plans prepared and certified by a Practising Engineer for works identified in (a) above must be submitted to the Council's Town Planner and prepared to the satisfaction of the Council's Town Planner for approval.

6. Demolition

Prior to sealing of the final Plan of Survey, all approved demolition works must be completed in a manner that ensures the protection of property and services which are to either remain on or adjacent to the site from interference or damage.

7. Construction of Crossovers – Bridport Road (DSG State Road Reserve)

(a) Prior to sealing of the final Plan of Survey and the commencement of the approved uses, and to the satisfaction of Council's Town Planner, all vehicle accesses to the subject land from the road verge of Bridport Road must be designed and constructed, complete with signage and line marking, in accordance with the Department of State Growth's rural road heavy vehicle access requirements to provide dual entry and exit, complete with;

- (i) a minimum sealed access width of 6 metres for the northern access;
- (ii) a minimum sealed access width of 11 metres for the southern access;
- (iii) driveable culvert endwalls for all accesses; and
- (iv) associated vegetation clearance required by the Department of State Growth to improve sight distances.

(b) Prior to the commencement of any works identified in the Bridport Road Reserve required by (a), the person responsible must be issued with the

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Appendix 3 – Copy of Draft Permit PLA/2022/1266 with Recommended Amendments to the Conditions of Permit

appropriate works approval by the Department of State Growth. Evidence of this permit must be provided to the Council's Town Planner.

8. Construction of Vehicle Parking and Internal Access

Prior to the commencement of the approved uses, and to the satisfaction of Council's Town Planner, areas set aside for the parking of vehicles, together with the aisles and access lanes, must be provided in accordance with the amended Site Masterplan referred to at Condition 2 above. These areas must be provided with an impervious all weather surface that is:

- (a) constructed, drained and maintained as necessary to minimise:
 - (i) the formation of potholes and depressions according to the nature of the subgrade and vehicles which will use the areas; and
 - (ii) the emission of dust or the discharge of uncontrolled drainage; and
- (b) marked or provided with clear physical means to delineate vehicle parking spaces.

9. Easements

Easements are required over all Council and third party services located in private property. The incorporation of any necessary easements including drainage easements over sewer and storm water pipelines are to be shown. Easements must include any overland drainage paths where concentrated water runs. The minimum width of any easement must be 3 metres for Council (public) mains.

10. Covenants

Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision permitted by this permit unless:

- (a) such covenants or controls are expressly authorised by the terms of this permit; or
- (b) such covenants or similar controls are expressly authorised by the consent in writing of the Council; or
- (c) such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a Plan of Survey and associated title documentation is submitted to Council for sealing.

11. Sealing Plan of Survey

No Plan of Survey will be sealed by Council for the approved lots until the following matters have been completed to the satisfaction of the Council's Town Planner and made at the responsible person(s) cost:

- (a) satisfactory completion of public and private infrastructure and service works/installation in accordance with the Council's and any requisite responsible authority/s requirements (including the provision of engineering certification where required); and

Appendix 3 – Copy of Draft Permit PLA/2022/1266 with Recommended Amendments to the Conditions of Permit

- (b) sufficient evidence that Substantial Commencement of Works has been achieved for the approved service station; and
- (c) any payment or action required by a planning permit condition to occur prior to the sealing of the Plan of Survey.

NOTE: For the purpose of this permit “**the person responsible**”, depending on the context, means:

- (a) The person who has and takes the benefit of this permit for the undertaking of the use or development authorised pursuant to it;
- (b) The person or persons who undertake development or use pursuant to this permit; and
- (c) Servants, agents and contractors, in each case of such persons.

ADVISORY NOTES

(i) Permission in Writing

Any reference to the need for Council approval of a matter or thing prescribed under the conditions pertinent to this permit requires such approval to be given in writing.

(ii) Appeal Provisions

Attention is directed to sections 61 and 62 of the *Land Use Planning and Approvals Act 1993* (as amended) which relate to appeals. This legislation does not provide for the ability to institute an appeal against the decision of the Tasmanian Planning Commission made in accordance with section 43H of the *Land Use Planning and Approvals Act 1993*.

(iii) Permit Commencement

Where the Tasmanian Planning Commission decides to grant a planning permit for the proposal, such a permit has no effect until the date of the Tasmanian Planning Commission’s approval of the draft amendment.

(iv) Period of Approval

Pursuant to Section 43I(4) of the *Land Use Planning and Approvals Act 1993*, this approval will lapse after a period of two (2) years from:

- (a) the date on which the permit is granted; or
- (b) if the planning authority has granted an extension under subsection 4A, after a further period of 2 year; or
- (c) if the planning authority has granted a further extension under subsection (6), at the end of a further period of 2 years from the end of the further period of 2 years for which the permit was extended under subsection (4A).

(v) Other Approvals

This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:

- (a) Department of State Growth road works approval
- (b) Sealing of Final Plan of Survey
- (c) Building and plumbing approvals

Hazardous Chemicals:

Guide for **Service Station Operators**

under the Work Health and Safety Act 2012



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I. What is this guide about?

This guide will help the person conducting a business or undertaking (PCBU) at a retail fuel outlet to meet their duties for storing, handling and using hazardous chemicals.

I.1 Laws

You should read this guide in conjunction with:

- the Work Health and Safety Act 2012 (the Act)
- the Work Health and Safety Regulations 2012 (the Regulations).

You can find these at the WorkSafe Tasmania website at www.worksafe.tas.gov.au by choosing the 'WHS laws' tab.

I.2 Codes of practice

You can find guidance for meeting your legal obligations in the Managing Risks of Hazardous Chemicals in the Workplace Code of Practice. You can find this at the WorkSafe Tasmania website at www.worksafe.tas.gov.au by searching for 'CPI20'.

I.3 Australian Standards

You can also find practical guidance in the following Australian Standards:

- AS/NZS 1596: The storage and handling of LP Gas
- AS 1940: The storage and handling of flammable and combustible liquids
- AS 4897: The design, installation and operation of underground petroleum storage systems
- AS 4976: The removal and disposal of underground petroleum storage tanks
- AS 4977: Petroleum products–Pipeline, road tanker compartment and underground tank identification
- AS 60079.10.1: Explosive atmospheres–classification of areas

To purchase these, go to the SAI Global website at <http://infostore.saiglobal.com> and search for each standards' number.

I.4 Other requirements

This guide does not address environmental requirements regulated by the Environmental Management and Pollution Control Act, or the wider range of work health and safety hazards associated with multi-use sites including workshops, depots or other retail activities.

This guide was produced by staff from WorkSafe Tasmania.

We welcome your feedback on this guide: wst.licensing@justice.tas.gov.au

I.5 Acknowledgment

WorkSafe Tasmania acknowledges this guide is based on material from Workplace Health and Safety Queensland: www.deir.qld.gov.au/workplace

2. Maintenance

2.1 General housekeeping

You must ensure combustible materials — including wooden pallets, tyres, cardboard, plastic materials, weeds and fallen vegetation — do not build up in and around the workplace.

You must keep hazardous chemical areas clear of tall grass and vegetation that could add to a fire fuel load around dispensers, fill and dip points, vent pipes and termination points.

You should regularly check concrete areas over underground tanks and pipework for any vehicle traffic damage, to ensure surface areas remain intact.

2.2 Fill and dip points

You must ensure all fill and dip containment or spill containment boxes are free of fuel. Any fuel presents a fire risk and would indicate unacceptable tank filling procedures.

Clean up or drain any tank overflow into an underground tank.

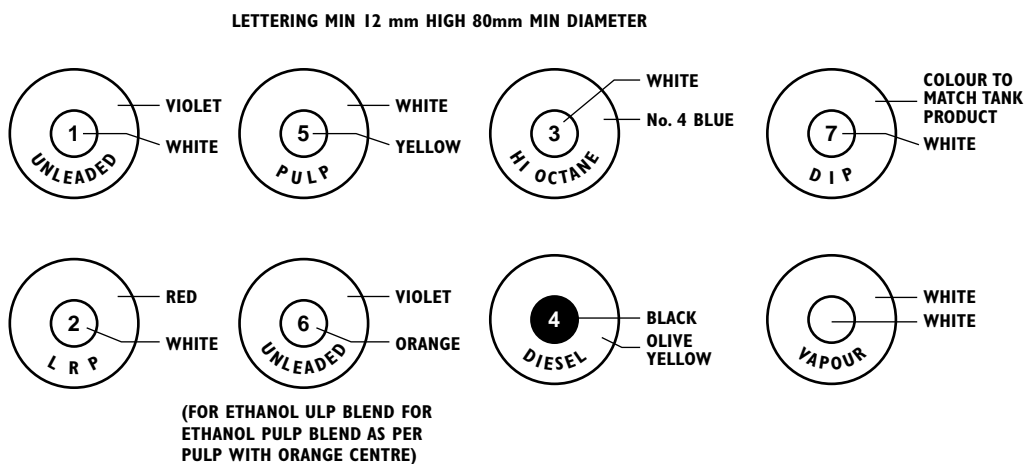
If there is any water present, the seals could be faulty and may need replacing.



Example of coloured marking at remote fill box

AS 4977 specifies colour-coded fill and dip point markers for underground tanks as:

- Unleaded Petrol (ULP) – violet outer / white inner
- Premium Unleaded (PULP) – yellow outer / white inner
- Lead Replacement Petrol (LRP) – red outer / white inner
- High Octane Fuel – blue outer / white inner
- Diesel – olive outer / black inner
- Ethanol ULP blend – violet outer / orange inner
- Ethanol PULP blend – yellow outer / orange inner.



Note: The number on the inner circle indicates the tank number; the actual marker may differ in appearance but needs to conform to the description in the text.

2.3 Vent pipes

Vent pipes should be:

- located away from trafficable areas, to reduce the risk of impact damage
- fitted with 'up-flow' type vent caps, to prevent rainwater getting in.

Where vent pipes are against a wall, they should be secured to the wall.

Protect vent pipes from the risk of impact damage (for example, from vehicles) with suitable bollards or barriers. You can also use curbing, provided the vent pipes are set back and not in the direct line of traffic flow.

Vent discharge points should be located at least 4 metres above the ground.

To reduce the possibility of nuisance vapour entering a building, you must locate the vent discharge point away from any opening (such as window, door, or air-conditioner/mechanical vent intake), at least:

- 4 metres laterally for flammable liquids
- 2 metres for combustible liquids.



Example of vent pipes secured to a wall



Example of vent cap designed to prevent entrance of rainwater

2.4 Dispensers

You must protect fuel dispensers from impact damage by using bollards, high curbing or other barriers with sufficient clearance.

Latching devices must not be used on the delivery nozzle where:

- a petrol or diesel dispenser has a value or quantity preset facility incorporated into its operation, or
- a petrol dispenser is customer operated.

Do not leave hose pipes lying on the ground, as they can be easily damaged by vehicles.



✗
Evidence of leak shown at hose connection



✓
A better option to reduce wear for longer hose lengths

2.5 Portable LP Gas cylinder exchange facilities

You must keep portable exchange cylinders in cages that are:

- labelled with any required placarding, notices or safety signage which is clearly visible and readily distinguishable from any advertising signs
- wherever possible, located away from traffic movements (otherwise, you should use barriers or bollards to reduce the risk of impact damage)
- sturdy and stable
- kept clear on at least two sides from any wall, solid display or other item that could restrict ventilation, to allow air to move freely through the cage
- locked if in a public area.

Section 4.6 and Appendix G of ASI596 provide requirements and recommendations for locating the cages that keep portable exchange LP Gas cylinders.

Separation distances for LP Gas cylinder exchange

- >0.5m combustible material
- >1.5m fuel dispensers
- >1.5m pit or drains
- >1.5m ignition source (horizontally)
- >0.5m ignition source (vertically)
- >1m from any opening or the hose reach of LP Gas decanting cylinder
- >3m other dangerous goods tanks
- >5m LP Gas tank(s)



3. Safety equipment and controls

3.1 Firefighting equipment

You must have at least two 9 kg ABE (powder-type) extinguishers for the fuel dispensing areas unless only combustible liquids are dispensed.

These extinguishers:

- are additional to any other extinguishers needed at your workplace
- must be kept readily available on the forecourt area during operating hours
- should be regularly maintained to ensure they will work properly (you must also keep written records of this maintenance).

You can protect extinguishers from vandalism or unauthorised access by a break-glass screen or an equivalent. This must be prominently marked with instructions for gaining access to the extinguisher.



X Avoid obstructions in front of fire extinguishers



✓ Check the needle of the gauge is in the green region

3.2 Containing and managing spills

You must have appropriate procedures and equipment to contain any spills and prevent them from leaving your workplace.



Clean-up equipment may include absorption, drain plugs or covers and labelled waste containers

Any single-walled aboveground tank (excluding LP Gas) must have a spill containment system which may include bunding; graded or sloping surfaces and sumps; drainage to a holding pit, tank or interceptor; or a combination of these.

The Managing Risks of Hazardous Chemicals in the Workplace Code of Practice states that bunding should be designed and constructed in accordance with AS 1940, which covers bunds and compounds for tanks.

3.3 Safety signs

For dispensing **flammable and combustible liquids**, AS 1940 recommends you have a prominent sign:

- saying 'STOP ENGINE-NO SMOKING'
- with letters at least 50 mm high
- located on or near to each dispenser.

You may use the 'smoking prohibited' symbol instead of the words 'no smoking'.

You may also add the words 'no flames, pilot lights or mobile phones'.

For dispensing **Autogas**, AS 1596 recommends you have a sign:

- with symbols at least 100 mm diameter for 'STOP ENGINE-NO SMOKING'
- displayed at the filling area, or adjacent to it and readable from the filling area.

Alternatively, you could have a prominent sign:

- saying 'STOP ENGINE-NO SMOKING'
- with red or dark letters at least 50 mm high on a white background .

You should also display vehicle filling instructions and LP Gas warning signs in a readily visible location on LP Gas dispensers.



Example of LP Gas filling instructions (not actual size)



Example of LP Gas filling warning sign (not actual size)

3.4 Controlling potential ignition sources

You should maintain the following minimum distances to prevent ignition sources encroaching into hazardous chemical areas:

- 4 metres around fuel dispensers
- 3 metres from fill and dip points
- 1.5 metres radius around the area below a vent termination pipe.

If you have hot work permit policy and procedures at your workplace, then these may apply to equipment that can generate ignition sources, including hedge trimmers, power tools and mowers.



Example of minimum separation distance for dispenser from ignition source: 4 metres between fuel dispenser and freezers/ vending machines

3.5 Bulk transfer

When tanker operations to refill tanks are carried out at your workplace:

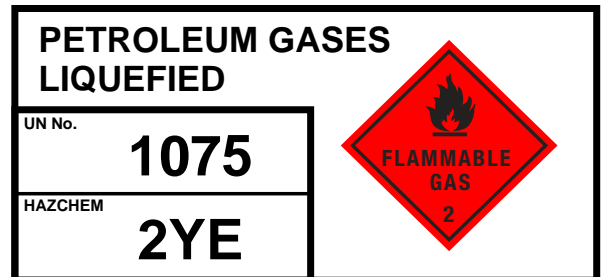
- there must be no source of ignition within a 4 metre hazard zone extending laterally from the tanker fill point
- the tanker vehicle should be parked wholly within your workplace so it can be driven away in a forward direction. If the site layout means this is not possible, it must be parked in such a way that it can be driven away with minimal manoeuvring
- the tanker driver should be in full view of the discharge and fill points, and be able to stop all tank filling in an emergency situation
- flexible hoses should not run under the tanker vehicle, and all reasonably practicable measures must be taken to prevent any vehicle driving over the hose assembly or striking its connections
- the engine of the tanker vehicle must remain stopped unless the transfer involves using a pump or compressor driven by the vehicle's engine
- if LP Gas is being transferred, the engine of the vehicle and any internal combustion auxiliary engine on the vehicle must be stopped while hose connections are coupled or uncoupled.



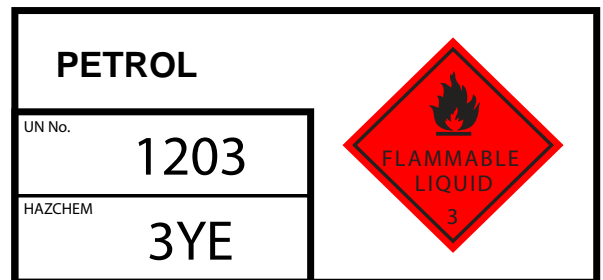
Traffic control during bulk transfer

4. Placarding

Any aboveground LP Gas tank (container with a water capacity greater than 500 litres) requires an information placard as shown above. LP Gas cylinders used for decanting are generally less than 500 litres water capacity and should be labelled as for a package store.



Any aboveground petrol tank (flammable liquid) with a capacity greater than 500 litres must have a placard as shown above.



Any aboveground diesel tank with a capacity greater than 500 litres must have a placard as shown above.

COMBUSTIBLE LIQUID

Placards are not required for underground fuel tanks that are used to refuel a vehicle at retail service stations.

Depots or other installations that are not retail fuel outlets will require placards for underground tanks.

For more information about placarding, see the WorkSafe Tasmania guide 'Placarding for storage of hazardous chemicals'. Go to the WorkSafe Tasmania website at www.worksafe.tas.gov.au and search for 'GB024'.

5. Manifest Quantity Workplace (MQW)

5.1 Determining if you are a MQW

Your workplace will be a Manifest Quantity Workplace (MQW) if the quantities of hazardous chemicals present exceed any of the following quantities:

- 2,500 L for Flammable liquid category 2: for example, petrol fuel
- 100,000 L for Flammable liquid category 4: for example, diesel fuel
- 5,000 L for Flammable gases Category 1: for example, LP Gas.

It is very likely your workplace will be a MQW because of the hazardous chemicals that are typically stored at a retail service station.

You must calculate the quantities based on maximum capacity; that is, using tank capacity values rather than the safe fill level. Empty tanks must be included unless they are certified free of hazardous chemicals.

If you do not exceed any of the above quantities, you should check Schedule 12 of the Regulations to ensure no other 'manifest quantity' applies that will make your workplace an MQW.

5.2 Manifest

If your workplace is a MQW, you must keep and maintain a manifest that complies with Schedule 12 of the Regulations. An example of a manifest for a retail service station is included in Appendix 1 of this guide.

The manifest must include:

- the name of PCBU
- the address of your workplace
- the date the manifest was last amended/prepared
- business and after hours contact numbers for two people who can be contacted if there is a notifiable incident at the workplace
- details of hazardous chemicals in bulk storage and containers (including tanks)
- details of packaged hazardous chemicals (including LP Gas cylinders).

It must also incorporate a scale plan of your workplace that includes:

- the direction of true north
- the PID Number and GDA 94 coordinate location from www.thelist.tas.gov.au
- the main entrance and other places of entry
- hazardous chemical storage areas
- essential site services, including fire services and isolation points for fuel and power
- all drains on the site
- a legend of symbols and codes used in the plan
- the location of fire controls, including hose reels and extinguishers
- the nature of the occupancy of adjoining sites or premises
- where the manifest is kept.

You must keep and maintain the manifest in a place that you've agreed upon with Tasmania Fire Service (see 6.3 of this guide for further guidance).

You must update the manifest if:

- there is a change in the type or quantity of hazardous chemicals at your workplace
- there is a significant change in the information that has to be recorded in the manifest.

5.3 MQW notification

You must notify WorkSafe Tasmania if your workplace is an MQW.

You can do this by using the approved form 'Manifest Quantity Workplace' (Notification of an MQW). Go to the WorkSafe Tasmania website at workplacestandards.tas.gov.au and search for 'GF014'.

If you have notified WorkSafe that you are a Large Dangerous Substances Location under the previous dangerous substances legislation, then this is valid notification as an MQW.

Once you have notified WorkSafe, you do not need to do so again unless there is a significant change of risk (such as installing an additional tank) or decommissioning is undertaken.

If you have taken over a workplace, and the previous operator notified WorkSafe that the workplace is an MQW, you will need to make your own notification.

6. Information

6.1 Safety information

Keep this information at your workplace:

- a list of hazardous chemicals with their current safety data sheets
- site operating procedures — including procedures for product tank filling and dipping; for tanker discharge; and for equipment inspection and maintenance
- a reconciled inventory records of fuel received and dispensed
- the emergency plan that deals with the range of emergency situations that may arise at the workplace, including fuel leaks and spills, and fires
- other relevant documents that demonstrate your workplace safety systems; for example, maintenance records, work permit systems, incident investigation procedures, and staff training records.

6.2 Staff training

Your workers should know your safe work procedures, such as:

- tank dipping procedure
- tanker bulk transfer procedure.

They should also know the procedures for dealing with incidents, such as:

- managing a fuel spill
- responding to an emergency.

Make sure your workers clearly understand their responsibilities and authority to manage safety in a public place. This includes knowing when fuel should not be dispensed, such as when:

- a vehicle engine is running
- someone is smoking in the forecourt
- someone under 16 years is attempting to operate a dispenser (this includes your own workers)
- someone is attempting to fill fuel into a non-compliant container (such as a food container)
- someone has wedged the fuel delivery nozzle open with a fuel cap or similar device
- someone is filling a portable fuel container inside the boot of vehicle or on the back of a ute.

6.3 Emergency preparedness for MQWs

If there is an emergency involving hazardous chemicals, you should have the following information readily available for emergency services:

- your compliant manifest (see 5.2 of this guide)
- safety data sheets for all hazardous chemicals at your workplace
- your emergency procedures.

Tasmania Fire Service recommends using a lockable weatherproof red cabinet to store this information:

- keyed as for a standard 003 alarm panel
- capable of storing A4 sized documents
- labelled 'EMERGENCY INFORMATION–HAZMAT' in white retro-reflective capital letters
- marked with diagonal retro-reflective stripping to increase visibility in low lighting or night-time conditions
- located immediately next to the Fire Indicator Panel if you have a Tasmania Fire Service-monitored fire alarm; otherwise, at the main entry point or an alternate location agreed upon by Tasmania Fire Service.

You must give a copy of your emergency plan to Tasmania Fire Service.



Example of emergency information cabinet

7. Decommissioning

7.1 Aboveground tanks

You must ensure that any aboveground storage system not in use is made free of hazardous chemicals, certified as such, and the placard is removed.

If it is not certified as free of hazardous chemicals, you must maintain the relevant placards and labels.

7.2 Underground tanks

You must ensure that any underground storage system not in use is removed.

However, it may not be reasonably practicable to remove it if:

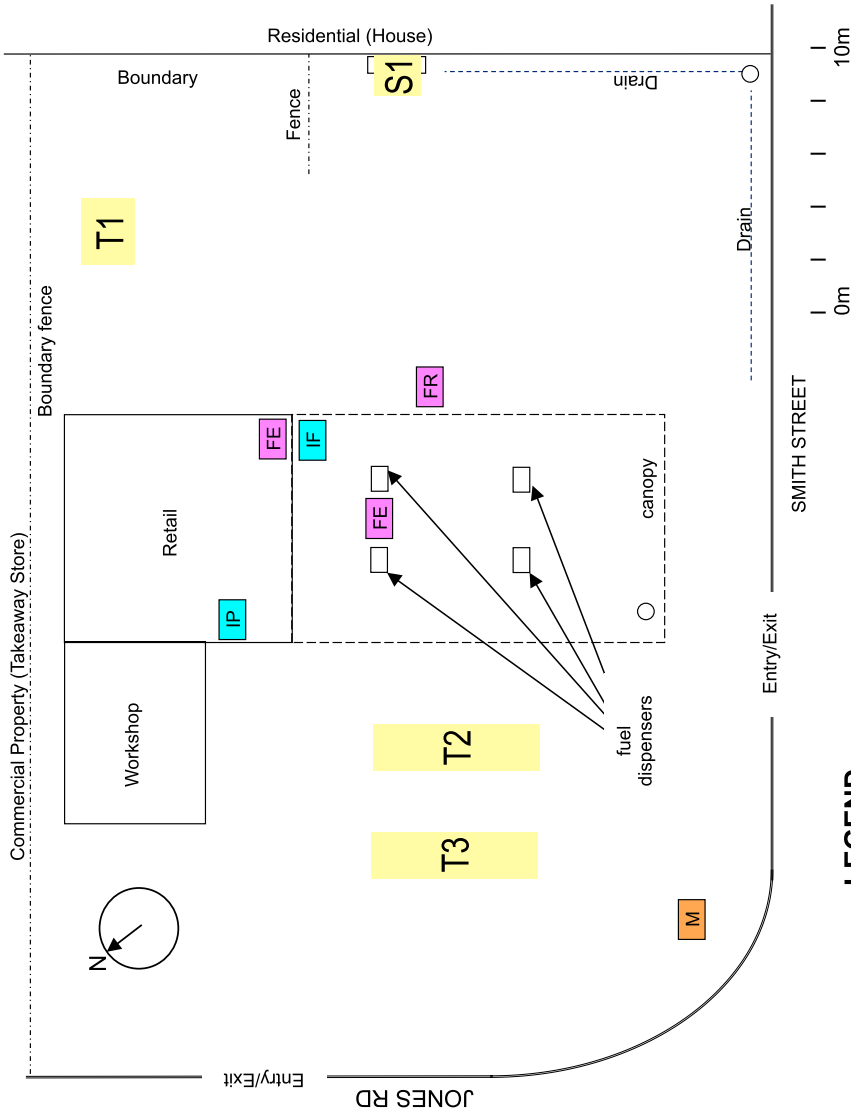
- there is significant pipe work associated with other tanks and services in the subsurface above the tank
- removal will impact on any surrounding structures, such as the foundations or walls of adjacent buildings, and other tanks.

In these instances, the tank must be made safe.

If an underground or mounded tank used to store flammable and combustible liquids has not been used for two years, it must be considered abandoned, and you must notify WorkSafe Tasmania.

Any disused underground tanks should be dealt according to AS 4976.

SCHEDULE 12 MANIFEST



EMERGENCY CONTACTS

Name	Position	Contact No
Mark Smith	Owner	B/H 03 6222 5421 A/H 0419 122 222
Ken Jones	Manager	B/H 03 6221 2102 A/H 0410 120 000

HAZARDOUS CHEMICALS (BULK)

Tank Id No	Proper Shipping Name	Class	Sub Risks	UN No.	PG	Capacity
T1	LP Gas	2.1	n/a	1075	n/a	8,000 L vertical tank 6.4 m diameter
T2	Diesel	C1	n/a	n/a	n/a	20,500 L underground tank
T3	Petrol	3	n/a	1203	II	22,000 L underground tank

HAZARDOUS CHEMICALS (PACKAGED)

Store Id No	Class	Sub Risks	UN No.	PG	Largest quantity
S1	2.1	n/a	1075	n/a	500 L

LEGEND

- Fire Extinguisher FE
- Isolation - Power IP
- Fire Hose Reel FR
- Manifest M
- Isolation - Fuel IF
- Stormwater Pit ○

Print Size : A3

Date Prepared : 11/09/2013

Manifest ID : SSCMAN01

PID 6574121

PCBU Super Servo Centre

Address 181 Smith Street, Bothwell, Tasmania 7030 GDA94 MGA 55 500627 E 530768 N

1300 366 322
www.worksafe.tas.gov.au

For more information contact

Phone: 1300 366 322 (within Tasmania)
(03) 6166 4600 (outside Tasmania)

Fax: (03) 6233 8338

Email: wst.licensing@justice.tas.gov.au


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Tasmanian Relief and Recovery Arrangements

Natural Disaster Relief to Local
Government Policy

February 2022



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- 1 Eligible Natural Disasters
- 2 Essential Public Asset Reconstruction
- 3 Emergency Assistance
- 4 Eligible Expenditure

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- 1 Notification Form
- 2 Eligibility Enquiry Form
- 3 Extension Request Form
- 4 Damage Assessment Form
- 5 Cost Estimation and Procurement Form
- 6 Financial Report
- 7 Claim Form

I INTRODUCTION

1.1 Aim and Overview of the *Natural Disaster Relief to Local Government Policy*

Natural disasters may result in large-scale expenditure by councils, usually in the form of infrastructure reconstruction. The *Natural Disaster Relief to Local Government Policy* (the Policy) aims to:

- Financially support councils to deliver certain natural disaster relief and recovery activities which complement other strategies, such as insurance and natural disaster mitigation and planning; and
- Deliver financial assistance in a responsible, cost effective and timely manner.

Usually financial assistance is in the form of partial reimbursement of expenditure.

The Office of Security and Emergency Management in the Department of Premier and Cabinet (the Department) administers the Policy.

The Department may ask councils to provide information that it considers necessary to ensure councils are adhering to the requirements of the Policy and the Australian Government's *Disaster Recovery Funding Arrangements* (formerly known as the Natural Disaster Relief and Recovery Arrangements). Councils must provide information requested by the Department within 10 working days of the request.

The Policy should not limit the natural disaster relief and recovery activities delivered by councils. Councils should make available whatever assistance they deem necessary regardless of whether it is eligible for financial assistance under the Policy.

Financial assistance is subject to councils demonstrating that they have taken all reasonable steps to mitigate the potential impact of natural disasters in their municipal area. This may include, but is not limited to, councils:

- Having appropriate emergency management planning controls, including land use planning controls, in place to mitigate the potential impact of natural disasters;
- Taking out insurance for council assets when available; and
- Having Municipal Emergency Management Plans (as defined by section 34 of the *Emergency Management Act 2006*) in place to enable an effective response to natural disasters.

The Policy should be read in conjunction with the relevant schedules and guidelines.

1.2 Australian Government's *Disaster Recovery Funding Arrangements*

The Policy is based on the Australian Government's *Disaster Recovery Funding Arrangements* (DRFA). The DRFA is a program that provides financial assistance to states and territories for a range of assistance measures when a natural disaster severely affects a community.

Councils cannot apply for DRFA assistance directly from the Australian Government, but council costs can be included in the State's claim for financial assistance.

More information on the DRFA is at <https://www.disasterassist.gov.au/Pages/related-links/Natural-Disaster-Relief-and-Recovery-Arrangements.aspx>. Any DRFA related questions should be directed to the Department.

1.3 Public Announcements

The Australian and Tasmanian Governments must agree on the nature and content of any announcement, promotional material or publicity relating to jointly funded infrastructure reconstruction. Public announcements include:

- Initial announcement of council owned infrastructure restoration;
- Subsequent media releases; and
- Media events.

Councils should contact the Department before making any public announcements.

2 KEY TERMS

2.1 Eligible Natural Disaster

An eligible natural disaster is a naturally occurring rapid-onset event that requires a significant and coordinated multi-agency response.

Any one, or a combination, of the following natural hazards can be an eligible natural disaster:

- Bushfire;
- Earthquake;
- Flood;
- Storm;
- Cyclone;
- Storm surge;
- Landslide;
- Tsunami;
- Meteorite strike; or
- Tomado¹.

Further information is at Guideline 1 – Eligible Natural Disaster.

2.2 Essential Public Assets

An essential public asset is an asset that councils and the Tasmanian Government agree is integral to the normal functioning of a community. Such assets may include:

- Roads;
- Road infrastructure (including footpaths, bike lanes and pedestrian bridges);
- Bridges;
- Tunnels;
- Culverts; and
- Any other asset associated with health, education, justice or welfare.²

Further information is at Guideline 2 – Essential Public Asset Reconstruction.

Essential public assets do not include community facilities. Further information on restoring community facilities is at Section 6 of the Policy.

¹ Taken from Disaster Recovery Funding Arrangements 2018 (Version 4 – March 2018)

² Examples taken from Disaster Recovery Funding Arrangements 2018 (Version 4 – March 2018)

3 NOTIFICATION

When a natural disaster occurs and councils know, or expect, the natural disaster to be an eligible natural disaster, councils must notify the Department within 21 days.

The notification must be in the form set out in Schedule 1 Notification Form.

4 ACTIVATION

The Premier will activate the Policy when the impact of an eligible natural disaster is a serious disruption to a community. This will involve a consideration of the capacity of councils to fund the response to, and recovery from, the natural disaster and an assessment of the impact on a community. The Premier can activate the Policy on a statewide, regional or municipal basis.

The Department, in consultation with the Department of Police, Fire and Emergency Management and other relevant agencies, will provide advice to the Premier on the activation of the Policy.

5 ELIGIBLE ACTIVITIES

This section provides an overview of the type of activities that could be eligible for financial assistance. For any of the below activities to be eligible, they must be carried out to alleviate damage or distress arising as a direct result of an eligible natural disaster.

Councils must write to the Department in the form of Schedule 2 Eligibility Enquiry Form if they are unsure of the eligibility of an activity.

Councils have 24 months from the end of the financial year in which the relevant eligible natural disaster occurred to incur eligible expenditure. A council that requires an extension to the allowable time limit for incurring eligible expenditure must request an extension before the end of the allowable time limit, and provide such evidence supporting the request as may be required by the Department.

An extension request must be in the form of Schedule 3 Extension Request Form.

Eligible activities fall into two categories: Category A and Category B.

5.1 Category A Activities

Category A activities include the following forms of emergency assistance for individuals:

- Emergency food, clothing and accommodation;
- Repair or replacement of essential household items of furniture and personal effects;
- Emergency repairs to housing;
- Demolition to prepare a residential block for rebuilding;
- Removal of debris from residential properties to make them safe and habitable;
- Extraordinary counter-disaster operations for the benefit of an affected individual; and / or
- Personal and financial counselling.

Further information is at Guideline 3 – Emergency Assistance.

5.2 Category B Activities

Category B activities include:

- Counter-disaster operations for the protection of the public;
- Emergency works and immediate reconstruction of essential public assets; and
- Essential public asset reconstruction.

5.2.1 Counter Disaster Operations for the Protection of the Public

Counter-disaster operations costs are eligible for financial assistance if:

- The costs are associated with counter-disaster operations to protect communities from the eligible natural disaster and ensure public health and safety in public areas;
- The costs exceed the amount that councils could reasonably have expected to incur for counter disaster activities (i.e. counter-disaster operation costs are significantly higher than historical averages); and
- The operations were intended to reduce the need for other forms of assistance under the Policy (i.e. to reduce expenditure on other activities such as essential public asset reconstruction).³

Examples of counter disaster operations for the protection of the public include, but are not limited to:

- Sandbagging and / or constructing portable temporary levees / flood barriers to prevent damage to communities (e.g. to protect residential areas and / or business areas);
- Constructing fire breaks and other fire containment activities to protect the general public;
- Tree bracing to ensure public safety;
- Establishing temporary access routes to allow access to affected areas, including emergency temporary bridging works; and
- Establishing and operating temporary locally positioned operational base camps, local incident management teams and local incident control centers used by 'front line' emergency services personnel.

5.2.2 Emergency Works and Immediate Reconstruction of Essential Public Assets

Emergency works are urgent activities to temporarily restore essential public assets to enable the assets to operate at an acceptable level to support the immediate recovery of a community. Councils must carry out emergency work activities within three months from the time the essential public asset becomes accessible following an eligible natural disaster.

Examples of emergency work activities include, but are not limited to:

- Initial grading;
- Pothole repairs;

³ Requirements taken from Disaster Recovery Funding Arrangements 2018 (Version 4 – March 2018)

- Temporary gravel re-sheeting;
- Temporary bridging works;
- Replacement of rock; and
- Traffic management.⁴

Immediate reconstruction works are activities to fully restore essential public assets within three months from the time the essential public asset becomes accessible following eligible natural disasters.

The reporting requirements of essential public asset reconstruction (listed in Section 5.2.3 below) do not apply to emergency works and immediate reconstruction works.

5.2.3 Essential Public Asset Reconstruction

The Tasmanian Government will financially assist councils to reconstruct essential public assets damaged by eligible natural disasters to the assets' pre-disaster conditions using current engineering and building standards.

Councils can upgrade essential public assets damaged in eligible natural disasters. However, the additional cost of upgrading assets beyond current engineering and building standards must be borne by councils.

Further information regarding financial assistance for essential public asset reconstruction is at Guideline 1 – Essential Public Asset Reconstruction.

Councils must comply with the following reporting requirements in order to seek Tasmanian Government financial contributions for essential public asset reconstruction that will not be finalised within three months from the time the asset becomes accessible following eligible natural disasters.

To comply with the DRFA, the Department may, at any time, request documentation from councils to evidence compliance with this section of the Policy. Councils must provide information requested by the Department within 10 working days of the request.

The Department may request information to evidence compliance with this section of the Policy. For example:

- Visual and geospatial data and information which may include (but is not limited to) satellite images, Google Earth images, photographs and video footage;
- Asset damage and inspection reports;
- Engineering details, maintenance records and asset registers;
- Financial and non-financial data and documentation to support estimated and actual reconstruction costs which may include (but is not limited to) tender documentation, minutes of meetings, contracts / work orders, timesheets, transaction listings and invoices.

Councils may use Schedule 4 Damage Assessment Form and Schedule 5 Cost Estimation and Procurement Form to report the required information. Alternatively, councils can use Tasmania's Common Operating Platform (the COP) to report information. Councils should notify the Department if reporting information through the COP.

⁴ Examples taken from Disaster Recovery Funding Arrangements 2018 (Version 4 – March 2018)

Councils must report the information as soon as possible and no later than six months from the date of the disaster (with the exception of actual reconstruction cost and variance). Councils should update and revise the information as necessary.

The Department may seek, at any time, access to updated information.

Damage Assessment

Councils must provide a list of damaged assets, including location and asset type using Schedule 4 Damage Assessment Form or the COP.

Councils must use a suitably qualified professional to conduct a damage assessment. The suitably qualified professional can be:

- A Tasmanian Government employee;
- A council employee; or
- A third party.

Councils must be able to provide evidence of the condition of essential public assets following eligible natural disasters through one or more of the following most appropriate means:

- Geospatial data, including satellite images;
- Visual data, including photographs and / or video footage;
- Asset inspection report(s) conducted or verified by a suitably qualified professional, with the appropriate level of expertise and experience.⁵

Councils must report the type(s) of evidence available to show the nature and extent of damage using Schedule 4 Damage Assessment Form or upload evidence directly to the COP.

Pre-Disaster Condition

Councils must be able to provide evidence of the location, nature and pre-disaster condition of essential public assets through one or more of the following most appropriate means:

- Geospatial data, including satellite images no older than four years before the eligible natural disaster;
- Visual data, including photos and videos no older than four years before the eligible natural disaster;
- Maintenance records no older than four years before the eligible natural disaster;
- Asset registers no older than four years before the eligible natural disaster;
- Asset inspection report(s) undertaken at the time of the damage assessment conducted by a suitably qualified professional.⁶

Councils must report the type(s) of evidence available to show the pre-disaster condition of an essential public asset using Schedule 4 Damage Assessment Form or upload evidence directly to the COP.

⁵ Evidence requirements taken from Disaster Recovery Funding Arrangements 2018 (Version 4 – March 2018)

⁶ Evidence requirements taken from Disaster Recovery Funding Arrangements 2018 (Version 4 – March 2018)

Asset Capacity, Layout and Materials

Councils must provide details of the pre-disaster capacity of an essential public asset to perform its primary function and other services it may have been providing to the community. For example, the capacity of a road to perform its primary function(s) might be:

- Two lanes of local traffic in each direction; or
- One lane in each direction, a pedestrian walkway on one side of the road and a breakdown lane on both sides of the road; or
- A two-lane highway.

Councils must provide the pre-disaster engineering details, including general dimensions and features, of essential public assets damaged in eligible natural disasters. Consideration should be given to:

- Dimensions and layout;
- Materials used; and
- Associated infrastructure, including safety features, signage, signaling, lighting, noise attenuation, drainage and associated footpaths or bikeways.

For example, the engineering details of a road might be:

- Width of lanes, shoulders and pedestrian walkways;
- Depth of the pavement;
- Associated infrastructure - line markings, safety barriers, lighting or traffic signals;
- Materials used to construct the road – gravel, granular with seal, concrete or asphalt; and
- Surrounding infrastructure – power and telecommunication lines, intersections and private accesses.

Councils must report the asset capacity, layout and materials using Schedule 5 Cost Estimation and Procurement Form or upload information directly to the COP.

Estimated Reconstruction Cost

Councils must use one of the following methods to establish the estimated reconstruction cost of essential public assets damaged in eligible natural disasters:

- Market response; or
- Cost estimation.

The market response method uses council procurement processes to establish the estimated cost of restoring an essential public asset to its pre-disaster condition.

The cost estimation method uses an internal or independent engineer or quantity surveyor with the appropriate level of expertise and experience to establish the estimated cost of restoring an essential public asset to its pre-disaster condition.

Estimated reconstruction costs should include the cost of construction, design, procurement and project management.

Estimated reconstruction costs may include 'contingency allowances' to account for unknown risks in reconstruction projects. Councils must report 'contingency allowances' separately.

Councils must report estimated reconstruction costs, contingency allowances and the method used to establish the estimated reconstruction cost using Schedule 5 Cost Estimation and Procurement Form or upload information directly to the COP.

In exceptional circumstances, the Department may procure an Independent Technical Review to verify the estimated reconstruction cost. The Independent Technical Review will:

- Review and evaluate the accuracy of the estimated reconstruction cost to restore an essential public asset to its pre-disaster condition and capacity;
- Identify if pre-disaster condition and capacity is either cost-prohibitive or impractical;
- Review and evaluate any alternative solutions for reconstruction; and / or
- Review and evaluate any amendments to estimated reconstruction cost and the circumstances leading to the amendment.

The Tasmanian Government is responsible for the cost of an Independent Technical Review.

Actual Reconstruction Cost and Variances

Councils must report actual reconstruction costs of essential public assets damaged in eligible natural disasters when the reconstruction project is complete.

The actual reconstruction cost may be more or less than the estimated reconstruction cost. When the actual cost is lower than the estimated cost, councils are only entitled to financial assistance equal to the actual cost incurred restoring essential public assets to the pre-disaster condition. When actual cost is higher than the estimated cost, councils must provide an explanation for the increase. For example, the following circumstances may lead to increased cost:

- Geotechnical conditions that could not reasonably have been foreseen or investigated in the design period;
- Previously unidentified indigenous and / or cultural heritage discoveries;
- Previously unidentified heritage discoveries;
- Delays caused by subsequent eligible natural disasters;
- Environmental conditions that could not have reasonably been foreseen (for example, threatened species discovery);
- Safety threats that could not have reasonably been foreseen (for example, asbestos discovery);
- Critical reduction in water availability that could not have reasonably been foreseen or investigated in the design period;
- Poor / inadequate planning or project management;
- Poor / inadequate resourcing and materials;
- Land access or property acquisition delays;
- Consultation delays (for example, community consultation or specialist advisor);
- Complexity in design / construction;
- Changes in building standards, codes or specifications;

- Industrial conditions / actions;
- Seasonal changes / inclement weather;
- Heritage listings; or
- Changes to the cost of materials.⁷

Councils must maintain evidence to demonstrate the circumstances leading to the increased cost.

Councils must report the actual reconstruction cost and variance explanations using Schedule 5 Cost Estimation and Procurement Form or upload information directly to the COP.

6 COMMUNITY RECOVERY FUNDS

The Tasmanian Government provides financial assistance for the restoration of community facilities through Community Recovery Funds under the *Tasmanian Relief and Recovery Arrangements: Community Recovery Policy*. Community Recovery Funds aim to help community recovery, community development and community capacity building following eligible natural disasters.

The Department will consult with councils to determine if a Community Recovery Fund is required after eligible natural disasters. To assist this determination, councils can use Schedule 4 Damage Assessment Form or the COP to report damage to community facilities. Evidence of the post and pre-disaster condition is not required for community facilities (unless specifically required under the Community Recovery Fund governance and reporting arrangements).

7 ELIGIBLE EXPENDITURE

Eligible expenditure is expenditure on an eligible activity undertaken in response to an eligible natural disaster. Councils must record eligible expenditure against the financial year in which expenditure is actually spent or incurred as a liability.

Eligible expenditure can include:

- Non-monetary relief and recovery assistance (for example, goods provided at evacuation centres, waived revenue and free or subsidised services);
- Overtime and allowances for council employees, outside normal working hours;
- Waste disposal charges;
- Employment costs for temporary (fixed-term) employees or contractors including on-costs such as travel, allowances, accommodation, superannuation and workers compensation;
- Costs of backfilling council employees who have been transferred to assist with eligible activities for reimbursement;
- Salaries and wages of council employees undertaking emergency works and immediate reconstruction of essential public assets and essential public asset reconstruction;

⁷ Examples taken from Schedule B: Disaster Recovery Funding Arrangements 2018 (Version 4 – March 2018)

- Amounts attributable to internal rate hire used for emergency works and immediate reconstruction of essential public assets and essential public asset reconstruction;
- Unbudgeted fuel and oil expenditure and maintenance costs; and
- Hiring additional plant and equipment (including transport and operation / running costs).

Eligible expenditure does not include:

- Salaries and wages of council employees undertaking Category A activities and counter disaster operations for the protection of the public;
- Amounts attributable to administrative expenditure for which the council would have been liable had the eligible natural disaster not occurred (for example, installation of workstations and furniture, software including IT systems, printing costs, business cards, rent, power and advertising fees); and
- Amounts which councils will or may recover from any source (for example, insurance recoveries, expenditure funded by other Tasmanian or Australian Government initiatives).

Further information is at Guideline 4 – Eligible Expenditure.

8 FINANCIAL REPORTS

Councils must provide financial reports for each eligible disaster quarterly or, if the Department requests, at any other time. The financial report must list eligible expenditure for all eligible activities, including:

- Total eligible expenditure in previous financial years;
- Total eligible expenditure in the current financial year;
- Latest eligible expenditure estimates for the remainder of the current financial year; and
- Latest eligible expenditure estimates for future financial years.

Financial reports must be provided using Schedule 6 – Financial Report. Financial reports do not need to be audited.

9 CLAIMING

9.1 Audit of Eligible Expenditure

If the Premier has activated the Policy for a municipal area in relation to an eligible natural disaster, the relevant council may submit a claim to the Tasmanian Audit Office for financial assistance in respect of eligible expenditure for that eligible natural disaster. Schedule 7 – Claim Form must be used to submit a claim to the Tasmanian Audit Office.

Eligible expenditure must be audited by financial year, though multiple claims can be submitted for each financial year. The cost of audits under the Policy is payable by councils.

Councils must submit final financial year claims to the Tasmanian Audit Office no later than five months after the end of the financial year to which the claim relates. If a council is unable to comply with this timeframe, it must write to the Department seeking an extension of time. The Department may apply terms and conditions on the council in respect to any extension of time. If a council submits a claim after

this timeframe, and has not requested an extension of time, the Tasmanian Government may refuse the claim.

On completion of the audit, the Tasmanian Audit Office is required to issue an audit report stating that the claim is compliant with the Policy and the DRFA.

9.2 Supporting Information

For audit and assurance purposes, the Tasmanian Audit Office may, at any time, request documentation from councils to evidence compliance with any aspect of the Policy. Councils must provide information requested by the Tasmanian Audit Office within 10 working days of the request.

The Tasmanian Audit Office may request financial and non-financial information to evidence compliance with the Policy. For example:

- Visual and geospatial data and information which may include (but is not limited to) satellite images, Google Earth images, photographs and video footage supporting essential public asset reconstruction to pre-disaster condition;
- Asset damage and inspection reports supporting emergency works and immediate reconstruction of essential public assets;
- Administrative data and documentation which may include (but is not limited to) contract / work orders, timesheets, news articles, email correspondence and minutes of meetings; and
- Financial data and documentation which may include (but is not limited to) transaction listings and invoices.

9.3 Ineligible or Unsubstantiated Expenditure

Councils and the Tasmanian Audit Office may seek advice from the Department on the eligibility of any expenditure included in the claim.

The Tasmanian Audit Office will remove any expenditure inconsistent with the Policy from the audited claim. Likewise, the Tasmanian Audit Office will remove expenditure if a council cannot substantiate that the expenditure is compliant with the Policy.

9.4 Timing of Financial Assistance

Financial assistance is generally paid after a council has submitted its audited claim for financial assistance to the Department. However, the Tasmanian Government may provide advance payments in exceptional circumstances. The audited claim must take account of any advance payments.

9.5 Determining the Amount of Financial Assistance

The amount of financial assistance to a council is based on the extent to which council audited expenditure exceeds the first and second thresholds for an eligible natural disaster.

The first threshold is 0.225 per cent of a council's total recurrent revenue as disclosed in its audited Annual Report two years prior to the financial year in which the eligible natural disaster occurred. The second threshold is 1.75 times a council's first threshold.

The Department must inform councils in writing of their respective thresholds as soon as possible following activation of the Policy for an eligible natural disaster.

The rate of assistance that is payable for an eligible natural disaster is 50 per cent of eligible expenditure between a council's first and second threshold for an eligible natural disaster and 75 per cent of eligible expenditure above a council's second threshold.

Alternatively, a council may submit a claim for reimbursement of 75 per cent of all eligible expenditure incurred delivering Category A activities requested by a Regional or State Emergency Management Controller during a regional response to an eligible event. A council submitting such a claim must provide written evidence of the request and cannot submit a claim for financial assistance in respect of any other expenditure for the relevant eligible event.



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INFOSHEET – VERSION 1.0 (23/12/2021)

Tasmanian Relief and Recovery Arrangements Natural Disaster Relief to Local Government Policy

Preparedness

The Tasmanian Relief and Recovery Arrangements (TRRA) Natural Disaster Relief to Local Government Policy provides financial support for local governments to defray the cost of eligible relief and recovery activities following natural disasters.

The TRRA Natural Disaster Relief to Local Government Policy is administered by the Department of Premier and Cabinet (DPAC) Office of Security and Emergency Management (OSEM).

Preparedness

Overview

This infosheet provides information about recommended actions for local governments to maximise the chances of submitting successful claims under the TRRA Natural Disaster Relief to Local Government Policy. All local governments are encouraged to make arrangements that are appropriate within the context of their normal administrative, response and recovery arrangements.

This infosheet should be read in conjunction with the TRRA Natural Disaster Relief to Local Government Policy and associated Guidelines. In case of inconsistency between this infosheet and the TRRA Natural Disaster Relief to Local Government Policy or any Guidelines, the Policy and Guidelines prevail.

Recording costs

Local government claims must only include costs incurred delivering eligible activities in direct response to an eligible natural disaster. It is essential that eligible costs are recorded separately from costs that are incurred delivering ineligible activities or conducting other local government business. This is particularly important for types of cost that may be incurred during normal business such as:

- staff overtime;
- salaries for staff delivering eligible asset rehabilitation works;
- maintenance of equipment;
- operating costs of facilities (e.g. electricity, rent); and

- consumables.

These costs may be eligible for reimbursement, but arrangements must be made for recording only the costs incurred delivering eligible activities.

Local governments are strongly encouraged to make arrangements to create specific job numbers or cost codes for potentially eligible natural disasters. During the early stages of an event it can be challenging to know whether it will become an eligible natural disaster, so routine recording of costs by event is recommended.

Activation criteria

To request activation of the TRRA and receive reimbursement, a local government must be able to demonstrate that:

- costs were incurred responding to an eligible natural disaster – a naturally occurring rapid-onset event that requires a significant and coordinated multi-agency response; and
- the local government’s first spending threshold is likely to be reached.

The multi-agency criteria requires that at least one agency (in addition to the relevant local government) be involved in the coordinated response. This could include an emergency response agency such as the Tasmania Fire Service, Tasmania Police or the State Emergency Service.

Expenditure thresholds are calculated as follows:

First threshold:	0.225 per cent of total recurrent revenue as disclosed in the local government’s audited Annual Report two years prior to the financial year in which the eligible disaster occurred
Second threshold:	1.75 times the first threshold

For example, if an event occurs in the 2021-22 financial year and affects a local government with total recurrent revenue of \$15 million in the 2019-20 financial year, the thresholds are:

First threshold:	$0.00225 \times \$15 \text{ million}$	= \$33,750
Second threshold:	$1.75 \times \$33,750$	= \$59,063

Thresholds differ across local governments and across years, and are based on publicly available local government information. Local governments are encouraged to be aware of the thresholds that apply to their expenditure. OSEM can provide advice about the calculation of thresholds if required.

Recording evidence

Local governments should make arrangements for the collection of appropriate evidence to support TRRA claims during response and recovery activities. This might require ensuring that there is an awareness of evidentiary requirements across business units. For example, asset management staff should be aware of the need to document, including with photographic evidence, post-disaster damage assessments of all damaged essential public assets. This includes assets for which reinstatement work is done immediately.

Preparedness - FAQs

Do thresholds apply per year, or per event?

Thresholds for assistance apply per event, not per year. For example, consider a local government with recurrent revenue of \$15 million in the 2019-20 financial year and \$16 million in the 2020-21 financial year. Suppose this local government is:

- affected by a flood in 2021-22 that causes the local government to incur \$200,000 of costs in the 2021-22 financial year and \$100,000 of costs in the 2022-23 financial year; and
- affected by a bushfire in 2022-23 that causes the local government to incur \$50,000 of costs in the 2022-23 financial year.

Table 1 shows the calculation of the reimbursements that this local government will receive.

	2021-22	2022-23
Flood		
<i>Expenditure</i>	\$200,000	\$100,000
<i>First threshold</i>	\$33,750	
<i>Second threshold</i>	\$59,063	
<i>Expenditure between first and second thresholds</i>	\$25,313 ($\$59,063 - \$33,750$)	- (second threshold exceeded in 2021-22)
<i>Expenditure exceeding second threshold</i>	\$140,937 ($\$200,000 - \$59,063$)	\$100,000 (second threshold exceeded in 2021-22)
<i>Reimbursement</i>	\$118,359 ($0.5 \times \$25,313 + 0.75 \times \$140,937$)	\$75,000 ($0.75 \times \$100,000$)
Bushfire		
<i>Expenditure</i>	-	\$50,000
<i>First threshold</i>	-	\$36,000
<i>Second threshold</i>	-	\$63,000
<i>Expenditure between first and second thresholds</i>	-	\$14,000 ($\$50,000 - \$36,000$)
<i>Expenditure exceeding second threshold</i>	-	-
<i>Reimbursement</i>	-	\$7,000 ($0.5 \times \$14,000$)
Total reimbursement	\$118,359	\$82,000