

Application for Planning Approval

Land Use Planning and Approvals Act 1993

APPLICATION NO.

DA2024/104

LOCATION OF AFFECTED AREA

6 WOODRIEVE ROAD, BRIDGEWATER

DESCRIPTION OF DEVELOPMENT PROPOSAL

FILL & ASSOCIATED SITE WORKS (RETROSPECTIVE)

A COPY OF THE DEVELOPMENT APPLICATION MAY BE VIEWED AT www.brighton.tas.gov.au AND AT THE COUNCIL OFFICES, 1 TIVOLI ROAD, OLD BEACH, BETWEEN 8:15 A.M. AND 4:45 P.M, MONDAY TO FRIDAY OR VIA THE QR CODE BELOW. ANY PERSON MAY MAKE WRITTEN REPRESENTATIONS IN ACCORDANCE WITH S.57(5) OF THE LAND USE PLANNING AND APPROVALS ACT 1993 CONCERNING THIS APPLICATION UNTIL 4:45 P.M. ON 18/03/2025. ADDRESSED TO THE CHIEF EXECUTIVE OFFICER AT 1 TIVOLI ROAD, OLD BEACH, 7017 OR BY EMAIL AT development@brighton.tas.gov.au. REPRESENTATIONS SHOULD INCLUDE A DAYTIME TELEPHONE NUMBER TO ALLOW COUNCIL OFFICERS TO DISCUSS, IF NECESSARY, ANY MATTERS RAISED.

JAMES DRYBURGH Chief Executive Officer







15th May 2024

Brighton Council Council 1 Tivoli Road Old Beach TAS 7017

Re: Unapproved Site Works 6 Woodrieve Road, Bridgewater

Dear General Manager,

Please find attached drawings in support of a Development Application to gain retrospective approvals for some site works at the above property.

The site works include the previous installation of fill, primarily at the rear of the block, in an attempt to partially level the site. A survey of the site completed after the fill had been installed, revealed that the fill extends over the property boundary, particularly on the North-West and South-West boundaries. This application proposes correcting this spillage with permission from the adjacent land owners, and accommodating this extra fill on site.

A Development Application for the primary development of the site will be lodged once we have resolved this current situation.

The works do partially occur within the waterway and Coastal Protection overlay, and we will work with council to respond to any concerns regarding works in proximity of the creek.

Please note that the application references the adjacent impacted sites and titles have been provided, with the exception of 32A Cobbs Hill Road, for which no title was available for purchase. We expect we will need to obtain either Crown of Council consent to clear the fill from this property, but would appreciate councils assistance in determine which of these is correct, in the absence of a title being available for our purchase.

Thank you for your assistance and please do not hesitate to contact me with any questions.

Sincerely,

Alycia Mcconalogue Building Designer cc Rohan Spaulding

6 Woodrieve Road, Bridgewater – Planning Cover Letter

1 of 1



12th February 2025

Brighton Council Council 1 Tivoli Road Old Beach TAS 7017

Re: Unapproved Site Works 6 Woodrieve Road, Bridgewater DA 2024 / 00104

Dear General Manager,

Please find attached revised and additional documentation in response to Taswater RAI dated 17/09/2024. The supplied documentation includes:

- Revised drawings by Little Island building design dated 12.02.2025, indicating the unapproved fill will be removed over the water mains.
- A CCTV investigation report by Archers Underground Services assessing the condition of the sewer main, to support the retention of the fill over the sewer main.

In summary, the amended documents propose to remove the fill over the water mains, but retain the fill over the sewer main. The fill will be battered between the two main areas of pipes. This proposal has been reviewed by our Engineer, who have also provided some notes on the appropriate methodology for safely removing the excess fill, which are on page 02 of the revised drawings.

Please note that due to file size the video of the sewer pipe will be forwarded to Taswater directly via ShareFile. We are happy to provide a copy to council if desired. If so, please let us know the most appropriate way to get this large file to you.

I hope the supplied information assists in your assessment, and please do not hesitate to contact me for any further information.

Sincerely,

Alycia Mcconalogue Building Designer cc Rohan Spaulding

1 of 1

6 Woodrieve Road, Bridgewater – Planning Response 03

Little Island Building Design E: info@libd.com.au www.libd.com.au Ph: 0408 316 564

PLANNING DRAWINGS

PREVIOUS AND PROPOSED SITE WORKS 6 WOODRIEVE ROAD, BRIDGEWATER

ALSO IMPACTING 4 & 8 WOODRIEVE ROAD & 32A COBBS HILL ROAD, BRIDGEWATER

OWNER: R.J. & T.C. SPAULDING

TITLE: 182281/12 (PLUS 176401/11, 182281/13 & 140010/9) SITE AREA: 6,493m2 ZONING: GENERAL INDUSTRIAL OVERLAYS: BUSHFIRE PRONE AREA, WATERWAY AND COASTAL PROTECTION AREA (PART SITE)

CLASS: NOT APPLICABLE - SITE WORKS ONLY WIND CLASSIFICATION: NOT SUPPLIED SOIL CLASSIFICATION: NOT SUPPLIED BAL RATING: EXEMPT - NOT APPLICABLE CORROSIVE ENVIRONMENT: N/A

DRAWING SCHEDULE:

- COVER 00
- 01 **EXISTING PLAN**
- 02 PROPOSED SITE PLAN
- 03 SITE ELEVATIONS
- 04 PIPE SECTIONS

PROJECT NO: LI24008 DATE: FEBRUARY 2025



LITTLE ISLAND BUILDING DESIGN ph: 0408 316 564 e: info@libd.com.au a: PO Box 60 Claremont 7011 Accredited Building Designer: Alycia Mcconalogue CC6943

REVISION SCHEDULE				
REV 01	DATE 29.07.24	COMMENTS SERVICE LOCATIONS ADDED		
02	26.08.24	FILL LEVELS REDUCED		
03	10.09.24	PLANNING RFI ISSUE		
04	12.02.25	FILL REMOVED OVER WATER MAINS		







Accredited Building Designer Alycia Mcconalogue CC6943 Ph: 0408 316 564 E: info@libd.com.au W: www.libd.com.au

SURVEY LEGEND:

- ET = Electrical Turret
- FH = Fire Hydrant SV = Stop Valve
- UP = Unclassified Pit
- CM1 = EX. CORNER MARK Peg RL:36.37
- CM2 = EX. CORNER MARK Peg RL:38.27
- CM3 = EX. CORNER MARK Nail in Fence Post RL:36.88
- BM1 = OLD SURVEY MARK R/Set in Kerb RI 39.33
- BM2 = OLD SURVEY MARK R/Set in Kerb RL:39.36
- BM3 = OLD SURVEY MARK R/Set in MH RL:36.15
- BM4 = Bench Mark Large Nail RL:38.44
- MHA = Stormwater Manhole Top RL:39.83 In Inv RL:38.04 Out Inv RL:38.03 MHB = Stormwater Manho
- Top RL:39.35 In Inv RI :#.## In Inv RL:37.67 Out Inv RL:37.48

- MHC = Stormwater Manhole Top RL:38.54 In Inv RL:36.60 Out Inv RI :36.56
- MHD = Stormwater Manhole Top RL:38.51 In Inv RL:36.64 In Inv RL:36.60 In Inv RL:35.64 Out Inv RL:35.58
- MHE = Stormwater Manhole Top RL:36.22 In Inv RI :35 47 In InvE RL:34.97 SL1 = Sewer Line NS RL:36.99
- Obv RL:36.15 MH1 = Sewer Manhole Top RI :36 16
- In Inv RL:34.29 Out Inv RL:34.25
- MH2 = Sewer Manhole (Buried) NS RL:37.44 Inv RL:34.21
- WL1 = Water Main NS WL1a RL:36.42 WL1a RL:34.98 NS WI 1b RI:36.63 WL1b RL:35.21
- WI2 = Water Main NS WL2a RL:36.40 WL2a RL:35.03 NS WL2b RL:36.60 WL2b RL:35.21
 - WATER MAIN STORMWATER MAIN

PLANNING DRAWINGS

PROPOSED SITE WORKS 6 WOODRIEVE ROAD, BRIDGEWATER

FOR: R.J. & T.C. SPAULDING

Date: 12.02.2025

Project no/Drawing no: Revision: LI24008 - 01

04





Accredited Building Designer Alycia Mcconalogue CC6943 Ph: 0408 316 564 E: info@libd.com.au W: www.libd.com.au

SURVEY LEGEND:

- ET = Electrical Turret
- FH = Fire Hydrant NS = Natural Surface
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- UP = Unclassified Pit
- CM1 = EX. CORNER MARK Peg RL:36.37
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- MHD = Stormwater Manhole Top RL:38.51 In Inv RI :36.64 In Inv RL:36.60 In Inv RL:35.64 Out Inv RI :35.58
- MHF = Stormwater Manhole Top RL:36.22 In Inv RI :35.47 In InvE RL:34.97 SL1 = Sewer Line NS RL:36.99 Obv RL:36.15
- MH1 = Sewer Manhole Top RL:36.16 In Inv RL:34.29 Out Inv RL:34.25
- MH2 = Sewer Manhole (Buried) NS RL:37.44 Inv RL:34.21
- WL1 = Water Main NS WI 1g RI :36 42 WL1a RL:34.98 NS WL1b RL:36.63 WL1b RL:35.21
- WL2 = Water Main NS WL2a RL:36.40 WI 20 RI 35 03 NS WL2b RL:36.60 WL2b RL:35.21

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- WATER MAIN SEWER MAIN STORMWATER MAIN

PLANNING DRAWINGS

PROPOSED SITE WORKS 6 WOODRIEVE ROAD, BRIDGEWATER

FOR: R.J. & T.C. SPAULDING

Date: 12.02.2025

Project no/Drawing no: Revision: LI24008 - 02

04

REVIS	REVISION SCHEDULE				
REV 01	DATE 29.07.24	COMMENTS SERVICE LOCATIO			
02	26.08.24	FILL LEVELS REDUC			
03	10.09.24	Planning RFI ISS			
04	12.02.25	FILL REMOVED O' MAINS			









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NOTES:

1:300@A3

- GROUND LINES BEYOND THE MAIN BANKS/BATTERS ARE NOT SHOWN FOR CLARITY. 1.
- NATURAL SITE LEVELS ARE INDICATIVE ONLY AND ARE INTENDED TO PROVIDE ONLY
- 2. AN APPROXIMATE INDICATION OF THE EXTENT OF FILL. THEY SHOULD NOT BE USED FOR ENGINEERING PURPOSES.

ONS ADDED CED SUE VER WATER





Accredited Building Designer Alycia Mcconalogue CC6943 Ph: 0408 316 564 E: info@libd.com.au W: www.libd.com.au

LINE AT BOUNDARY

 	✓ 40m
 	_ ∨ 39m
 	_ ∨ 38m
 BOUNDARY	🗸 37m
 <u> </u>	✓ 36m
 	_ ∨ 35m
 	_ √ 34m



PLANNING DRAWINGS

PROPOSED SITE WORKS 6 WOODRIEVE ROAD, BRIDGEWATER

FOR:

R.J. & T.C. SPAULDING

Date: 12.02.2025

Project no/Drawing no: Revision: LI24008 - 04 04

REVIS	SION SCHEE	DULE
REV 01	DATE 29.07.24	COMMENTS SERVICE LOCATIO
02	26.08.24	FILL LEVELS REDU
03	10.09.24	Planning RFI ISS
04	12.02.25	fill removed o' mains



PIPE 02 SECTION (WATER MAIN)

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EXISTING WATER MAIN

PIPE 03 SECTION (WATER MAIN)

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IONS ADDED ICED SUE VER WATER





Accredited Building Designer Alycia Mcconalogue CC6943 Ph: 0408 316 564 E: info@libd.com.au W: www.libd.com.au





A A A CION PLANNING DRAWINGS

	→ 40m → 39m → 38m → 37m
 DL 05 00	√ 36m
 RL 35.03	🗸 35m
 	∨ 34m

PROPOSED SITE WORKS 6 WOODRIEVE ROAD, BRIDGEWATER

FOR:

R.J. & T.C. SPAULDING

Date: 12.02.2025

Project no/Drawing no: Revision: LI24008 -04



Project name

LITTLE ISLAND-6 woodrieve rd



WINCAN

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Project na LITTLE ISLAND-6 v	Project number	Project d 13/01/20	late)25	
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Section: 2; A360239-A360240				3
Section: 3; A360239-A360249				5



WINCAN

Project Information

Project name LITTLE ISLAND-6 woodrieve rd Project number

Project date 13/01/2025

	W	INCA	N							
		:	Section	Inspect	ion - 13/	01/2025	•			
Date of ins	Date of inspection Time of inspe		spection	ction Land ownership Pipe Asset ID		sset ID		Ni 1	ŗ.	
Project	Project name Contractor's Job LITTLE ISLAND-6 woodrieve rd			Coding	Standard	Name of Sa	operator am		Job 01	ID 1
Suburb Address Location type Operation Profile Lining material Lining type	burb Bridgewater Idress 6 Woodrieve Rd cation type In field (Paddock) peration Gravity ofile Circular 225mm ning material Polyvinyl chloride			US MH A360239 Unit Length 0.00 m Direction Upstream GIS length 0.00 m DS MH A360238 Inspected Length [m] 67.29 m Use The installation is designed to carry only sew Year Laid Purpose of inspection Routine inspection of condition Method of inspection B						
Dia/Height Material	225 mm Polyvin	ylchloride	Cleaning Flow cor) htrol						
General commo	ent	,								
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	Con St	struction Featu tructural Defect	ires ts			Misc Service	ellaneous Fea & Operational	tures Defec	cts	
STR No. Def	STR Peak	STR Mean 0.0	STR Total 0.0	STR Grade	SER No. Def	SER Peak 5.0	SER Mean	SE	R Total 5.0	SER Grade



WINCAN

Section Pictures - 13/01/2025

Suburb Bridgewater Address/Location 6 Woodrieve Rd Date of inspection 13/01/2025

Pipe Asset ID

Job ID

01



A360444_0-00m_111409.jpg, 00:00:01, 0.00 Start node, maintenance hole, Nodename:, A360239



A360444_45-18m_112200.jpg, 00:07:24, 45.18 Ponding of water with or without flow turbid or discoloured water, 20-30 mm



A360444_48-46m_112416.jpg, 00:09:18, 48.46 General comment / Possible repair patch?



A360444_67-29m_112803.jpg, 00:12:34, 67.29 Finish node, maintenance hole, Nodename:, A360238







A360445_0-00m_113448.jpg, 00:00:01, 0.00 Start node, maintenance hole, Nodename:, A360239



A360445_19-03m_113810.jpg, 00:03:06, 19.03 Finish node, maintenance hole, Nodename:, A360240







A360443_0-00m_114224.jpg, 00:00:00, 0.00 Start node, maintenance hole, Nodename:, A360239



A360443_27-26m_114916.jpg, 00:03:53, 27.26 Encrustation-deposits attached to the walls from 5 o'clock to 7 o'clock, Obstruction: 10% / pissibly render?



A360443_83-51m_115633.jpg, 00:10:55, 83.51 Finish node, maintenance hole, Nodename:, A360249



10th September 2024

Brighton Council Council 1 Tivoli Road Old Beach TAS 7017

Re: Unapproved Site Works 6 Woodrieve Road, Bridgewater DA 2024 / 00104

Dear General Manager,

Please find attached revised and additional documentation in response to the request for additional information dated 19th June 2024. The supplied documentation includes:

- Revised drawings by Little Island building design dated 10.09.2024, including depths and accurate positions of all pipes as located by Tas Underground Asset Locators and our Surveyor;
- A Natural Values Assessment prepared by EcoTas, responding to item 2 of the RAI;
- Engineering Response prepared by Sustainable Engineering, responding to item 3 of the RAI.

In summary, the amended documents propose to remove all fill that extends beyond the site boundaries and replant the impacted area between the boundary and the creek. The amount of fill over the critical water main will be reduced (but not removed) and batters adjusted to a lower gradient for improved stability.

I trust the supplied information assists in your assessment, and please do not hesitate to contact me for any further information.

Sincerely,

Alycia Mcconalogue Building Designer cc Rohan Spaulding

Little Island Building Design E: info@libd.com.au www.libd.com.au Ph: 0408 316 564



15/3 Abernant Way Cambridge TAS 7170

E: contact@setas.com.au M: 0428 575 694 W: www.setas.com.au

02 September 2024

Alycia McConalogue Little Island Building Design e: info@libd.com.au

6 WOODRIEVE ROAD – RFI RESPONSE

Purpose and Limitations of this Report

The purpose of this letter is to address an additional information request from Brighton Council to address Clauses C12.5.1 and C12.6.1 Flood-prone Areas Hazard Code and Taswater information request TWDA 2024/00723-BTN.

The opinions, conclusions and recommendations in this report are based on information reviewed at the date of preparation of the report. SETAS has prepared this report on the basis of information provided by Little Island Building Design, LISTmap, Taswater GIS and publicly available flood mapping from Brighton Council which SETAS has not independently verified or checked beyond the agreed scope of work.

SETAS does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

Site Description

The subject property is located on Woodrieve Road, Brighton which forms part of the commercial hub. The site is on the western side of the road which is currently undeveloped, vacant parcels.



Figure 1 – Location map



Figure 2 – Aerial image (prior to earthworks)

Existing Development

The owner has formed a level pad from controlled fill that has been competently placed excavator and sheepsfoot roller across the full extent of the site. The current batters extend beyond the property boundary which are proposed to be trimmed to bring the extent back to the property boundary.

There are existing Taswater sewer and bulk water assets that have been filled over and a Council stormwater main on the southern boundary that is on the edge of the fill batter. All assets have been surveyed and are presented on the design drawings prepared by Little Island Building Design.



Figure 3 – Site looking N



Figure 4 – Site looking NW



Figure 5 – Site plan showing current extent of fill

Proposed Development

The proposed extent of the fill is shown in Figure 6.

The batter slopes have also been decreased to reduce the amount of fill over the existing Taswater and Council assets. The drawings prepared by Little Island Building Design provide elevations showing the batter slopes and clearances to the services.



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Figure 6 - Proposed extent of fill

Existing flood studies

Brighton Council publish flood inundation mapping to enable assessment of flood risk for property.

Catchment modelling is generally based on LiDAR surface information with survey used to support higher resolution analysis of high risk areas. The modelling performed on this catchment appears to be based on LiDAR and at a coarse grid based on the polygon size and that boundary extents align with the features present in the pre-development LiDAR data.

The local overland flow mapping shows that in a 1% AEP rainfall event for the local catchment, there are small areas of inundation in the NW corner and SW corner with estimated flow depths in the 5-10cm and 10-50cm ranges.



Figure 7 – Council inundation mapping

These areas do not align with the main flow path which is governed by the existing watercourse and topography and appear to be spurious data points that the model has picked up as localised low areas in the surface and routed flow to these.

Comparing the inundation polygons against pre-fill aerial imagery and LiDAR surfaces, the polygons correlate with localised low points which supports this view.



Figure 8 – LiDAR surface showing depressions that correlate with the inundation polygons

The estimated volume of these areas is in the vicinity of 3.5m3 based on the polygon size and reported flow depths.

The proposed fill profile results in a number of impacts on flow routing and displacement of flow volume. The pre-development aerial images and LiDAR indicate the eastern bank of the watercourse is offset from the property boundary and is heavily vegetated. The current fill batters extend into this zone which has removed the vegetation.

Removal of this material and re-profiling the batters to be contained within the property boundary will result in a defined flow boundary to ensure flood flows are contained within the public land. Further, the removal of the material allows for additional flow path capacity which more than offsets the displacement of the modelled flow volume within the site (refer flood inundation polygons).

It is noted that there have been improvement works undertaken on the watercourse to improve channelisation and revegetation for erosion protection. The re-shaping of the batters and re-vegetation will be consistent with this work.



Figure 8 – Watercourse improvements immediately upstream of the subject site

The net impact is expected to be an improvement in management of flow paths and the increase in channel capacity is likely to provide a small reduction in water heights immediately downstream of the subject property.

Detailed modelling of the watercourse with the revised earthworks profile is not considered necessary due to the net positive impacts of the proposed works.

Code compliance

The Council RFI notes:

Please provide a Flood Hazard Report completed by a suitably qualified person. The report should comply with the performance criteria outlined under C12.5.1 P1.2 and C12.6.1 P1.1 & P1.2.

Advice: The application should demonstrate how the overland flow can be accommodated through the site and address the relevant performance criteria.

Objective:	That a habitable building can achieve and maintain a tolerable risk from flood.			
Acceptable Solutions	Performance Criteria	Response		
Acceptable Solutions A1 No Acceptable Solution.	Performance Criteria P1.1 A change of use that, converts a non-habitable building to a habitable building, or a use involving a new habitable building, or a use involving a new habitable room within an existing building, within a flood-prone hazard area must have a tolerable risk, having regard to: (a) the location of the building; (b) the advice in a flood hazard report; and (c) any advice from a State authority, 	Response The current application is to seek approval for fill that has been placed on the land and <u>does not include a</u> <u>proposal for a habitable building</u> . P1.1 and P1.2 are not applicable to the current application. NOTE - Future applications for building works will be required to address flood performance criteria should the current overlay mapping		
	 regulated entity or a council. P1.2 A flood hazard report also demonstrates that: (a) any increase in the level of risk from flood does not require any specific hazard reduction or protection measures; or (b) the use can achieve and maintain a tolerable risk from a 1 % annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures. 	the impacts of the proposed earthworks and the observations and advices of this report. Refer to the report commentary on the resolution of the flood modelling and impacts of the proposed fill profile on waterway capacity and risk reduction. Any future development of the site will be on the fill pad and well above the 1% AEP flood level and extent.		

C12.5.1 Uses within a flood-prone hazard area

Objective:	 That: (a) building and works within a flood-prone hazard area can achieve and maintain a tolerable risk from flood; and (b) buildings and works do not increase the risk from flood to adjacent land and public infrastructure. 			
Acceptable Solutions	Performance Criteria	Response		
A1	P1.1			
No Acceptable Solution.	 Buildings and works within a flood-prone hazard area must achieve and maintain a tolerable risk from a flood, having regard to: (a) the type, form, scale and intended duration of the development; (b) whether any increase in the level of risk from flood requires any specific hazard reduction or protection measures; (c) any advice from a State authority, regulated entity or a council; and (d) the advice contained in a flood hazard report. P1.2 A flood hazard report also demonstrates that the building and works: (a) do not cause or contribute to flood on the site, on adjacent land or public infrastructure; and (b) can achieve and maintain a tolerable risk from a 1% annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures.	 The commentary for C12.5.1 also applies to this clause and performance criteria. It is further noted that: Mapped encroachment is predominantly due to the resolution of the modelling and pre-existing site conditions present in the LiDAR data Volumetrics of potential displaced flows are insignificant and able to be contained within existing flood paths without adversely impacting adjacent or downstream property Works mitigate flood risk to subject property 		

C12.6.1 Buildings and works within a flood-prone hazard area

Impact on water and sewer assets

The filling works have resulted in an increase in cover over the existing sewer and bulk water main assets. In order to assess the acceptability of the increased cover and potential impacts on maintenance and renewal actions, the relevant MRWA standards must be considered and also the fill material, placement and compaction achieved.

MRWA-W-201 notes

TABLE 201-B: NON TRAFFICABLE AREAS

TRENCH ZONE	PREFERRED MATERIALS	METHOD OF PLACEMENT	COMPACTION REQUIRED
BACKFILL ZONE	 Refer to Backfill Specification - MRWA specification 04.03. For backfill < 1.5m deep, selected or ordinary fill. A. Selected Fill. Material that is free from organic or other deleterious material, obtained from excavation or imported, with a particle size of rock not greater than 20mm, or for other than rock not greater than 75mm (refer AS2566.2-2002). B. Ordinary Fill. Material obtained from excavation or imported that contains not more than 20% by mass of rock fragments with size between 75mm and 150mm, with no rock or clay fragments greater than 150mm (refer AS2566.2-2002). For backfill > 1.5m deep, as per project backfill specification. 	 Refer to Backfill Specification - MRWA specification 04.03. For backfill < 1.5m deep, selected or ordinary fill placed as required to meet the nominated compaction density. For backfill > 1.5m deep, place as specified in the project backfill specification. Place and compact in layers and moisture condition as required. Where hand held or walk behind compaction equipment is used in the backfill zone, avoid compaction within 300mm of top of pipe. Where heavier compaction is used in the backfill zone, avoid compaction within 800mm from the top of pipe. 	95% R _D TOP 600mm 90% R _D
EMBED- MENT ZONE	 Refer to MRWA-W-203. The embedment proposed is satisfactory in non trafficable situations, however, it is critical the embedment has the correct moisture content and be properly placed to achieve maximum compaction. Selected materials shall be worked around the pipe to ensure all voids at haunches are filled and the pipe is provided with good support along its entire length. Embedment to be placed under the haunches by shovel or fork and compacted to the required density. 		

The depth of cover over the existing watermains is circa 1.0m and therefore can be must be 'Selected Fill' or 'Ordinary Fill'.

MRWA-S-201 notes

TABLE 201-B: NON TRAFFICABLE AREAS

TRENCH ZONE	PREFERRED MATERIALS	METHOD OF PLACEMENT	COMPACTION REQUIRED
BACKFILL ZONE	BACKFILL ZONE Refer to Backfill Specification - MRWA specification 04.03. • For backfill < 1.5m deep, selected or ordinary fill.	 Refer to Backfill Specification - MRWA specification 04.03. For backfill < 1.5m deep, selected or ordinary fill placed as required to meet the nominated compaction density. For backfill > 1.5m deep, place as specified in the 	95% R _D TOP 600mm
		 For backini > 1.5m deep, place as specification in the project specific backfill specification. Place and compact in layers and moisture condition as required. Where hand held or walk behind compaction equipment is used in the backfill zone, avoid compaction within 300mm of top of pipe. Where heavier compaction is used in the backfill zone, avoid compaction within 500mm from the top of pipe. 	90% R _D
EMBED- MENT ZONE	 Refer to MRWA-S-202. The embedment proposed is satisfactory in non trafficable situations, however, it is critical the embedment have the correct moisture content and be properly placed to achieve maximum compaction. Selected materials shall be worked around the pipe to ensure all voids at haunches are filled and the pipe is provided with good support along its entire length. Embedment to be placed under the haunches by shovel or fork and compacted to the required density. 		60% i _D

The depth of cover over the existing sewer is circa 1.5m and therefore is on the threshold of requiring engineered fill as per the 'project backfill specification'.

The governing standard for engineered fill is AS3798-2007 Guidelines on earthworks for commercial and residential developments.

Engineered fill is defined as fill, which is selected, placed and compacted to an appropriate specification so that it will exhibit the required engineering behaviour.

Unsuitable fill shall comprise any material so designated by the Engineer and shall include

- (a) cohesive soils having a liquid limit in excess of 90% or plasticity index in excess of 65%
- (b) any material containing topsoil, wood, peat or waterlogged substances
- (c) any material containing biodegradables or organic material (more than 5%)
- (d) any material containing scrap metal
- (e) material from contaminated sites
- (f) material which by virtue of its particle size or shape cannot be properly and effectively compacted (e.g. boulders larger than 150mm, etc).
- (g) materials containing substances which can be dissolved or leached or which may undergo expansive reactions in the presence of moisture.

Unsuitable fill and hazardous fill shall not be used at any location or part of the site, including landscaped areas. If hazardous emission such as methane gas is expected, necessary measures shall be taken to contain and discharge such emission.

The fill material used on site is a sandy clay with a high percentage of decomposed dolerite and mudstone in the 25 to 75mm range.

The material has been placed in layers by excavator and compacted with a sheepsfoot roller. This method is acceptable under the standard and is recommended practice for fill.

A proof roll of the site indicated minor surface compaction from the effects of weathering of the surface layer and high moisture content from recent rainfall events. No significant displacement was observed and only minor localised soft areas that will be address when the fill is trimmed and re-battered.

A compaction of minimum 95%MMDD will be required to be achieved with the re-work.

On this basis, the fill material is deemed to be compliant and within the requirements of MWRA-W-201 and MRWA-S-201 for backfill and the method of placement and compaction to the Australian Standard and general engineering specifications.

No valves or access chambers/manholes will be impacted by the works with the existing sewer manhole on the southern boundary noted as being lifted to FSL by Taswater at the developers cost.

Conclusion

Based on the information provided by the Client, review of Council's flood inundation mapping, LiDAR data, site observations and desktop assessment of topography and geology, it is noted that:

- The proposed fill works do not adversely impact the routing of flood flows or increase flood risk to adjacent or downstream property
- The proposed fill profile is suitable for the site and has been placed and compacted in accordance with relevant standards
- The proposed fill does not adversely affect the operation or long term renewal of Taswater assets

The proposed works are considered fit for purpose.

Yours sincerely



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Little Island Building Design

ATTENTION: Alycia McConalogue 3/10 Iron Bark Drive Claremont TAS 7011

3 September 2024

Dear Alycia

RE: 6 Woodrieve Road, Brighton (PID 9639793; C.T. 182281/12; LPI HWY64) Natural Values Assessment

Fill & Associate Works (Retrospective): DA2024/104

Preamble

Environmental Consulting Options Tasmania (ECOtas) was engaged by Little Island Building Design (on behalf of their clients Rohan & Tess Spaulding) to provide a natural values assessment of 6 Woodrieve Road, Brighton (PID 9639793; C.T. 182281/12; LPI HWY64), specifically to address matters related to the Waterway and Coastal Protection Area overlay (present on the title and adjacent council title) and Priority Vegetation Area overlay (present on adjacent council title) such that consideration of the implications under the *State Planning Provisions* (Natural Assets Code) can be duly considered as part of the planning application now known as DA2024/104.

Correspondence from Brighton Council dated 19 Jun. 2024 requests further information as follows:

2) Clause C7.6.1 & C7.6.2 Natural Assets Code

Given that your retrospective/proposed works will occur within the Waterway and Coastal Protection Area and Priority Vegetation Area, please provide a natural values assessment and management plan completed by a suitably qualified person. The assessment report should comply with the performance criteria outlined under C7.6.1 P1.1 and C7.6.2 P1.1 & P1.2.

Site details

Address: 6 Woodrieve Road, Brighton (Figures 1-3)

PID 9639793; C.T. 182281/12; LPI HWY64

Zoning: General Industrial (Figure 4) pursuant to the Brighton Local Provisions Schedule

<u>Overlays</u> (relevant to the present assessment): Waterway and Coastal Protection Area associated with Ashburton Creek, indicated as 30 m each side of hydrographic line (Figure 5)

Area: computed area = 6,490.833 m², measured area = 6,493 m² [source: LISTmap]

<u>Topography</u>: post-fill the site is now flat terrain (Plates 1-4) but prior to this was very gently sloping to the southwest (but effectively flat)

Elevation: ca. 35 m a.s.l.

<u>Geology</u>: mapped at a 1:250,000 scale (Figure 7a) as Jurassic-age "dolerite (tholeiitic) with locally developed granophyre" (geocode: Jd) but at a 1:25,000 scale (Figure 7b) to also include Quaternary-age "undifferentiated Quaternary sediments (geocode: Q) and "alluvial gravel, sand and clay" (geocode: Qa) associated with the flats of Ashburton Creek – the geology is mentioned because of its influence on vegetation classification and potential for threatened flora (and to a lesser extent, threatened fauna)

<u>Drainage</u>: no drainage features are present within the title (but see below for details on Ashburton Creek that is present on the council title to the southwest)



Plates 1-4. Current status of subject title: clockwise from top left looking north, east, south and west

DA2024/104 is being extended to the adjacent council title because works (fill) extended to the bank of Ashburton Creek that flows through that title (Figures 2 & 3). The blue hydrographic line (as per LISTmap) is considered to be in effectively the correct position based on examination of aerial imagery and the site assessment.

The council title is zoned as Rural Living pursuant to the *Brighton Local Provisions Schedule*, somewhat of an unusual zoning for a council-owned and "managed" title that includes a watercourse and open space (i.e. Open Space would seem more appropriate). The adjacent council title to the north further upstream along Ashburton Creek is zoned General Industrial, also an unusual zoning (despite the surrounding land use) given the presence of the watercourse, remnant vegetation and more recently restoration plantings.

This watercourse (Plates 5-8) is subject to the Waterway and Coastal Protection Area overlay (Figure 5), indicated as 30 m each side of the watercourse, which extends on to the subject title.



Figure 1. General location of study area



Figure 2. Detailed location of study area, showing topographic and cadastral features



Figure 3. Detailed location of study area, showing aerial imagery (LISTmap): note the extensive 4WD activity within the council title



Figure 4. Zoning of study area and surrounds pursuant to Tasmanian Planning Scheme – Brighton Local Provisions Schedule



Figure 5. Detailed location of study area, showing extent of Waterway and Coastal Protection Area overlay (blue hatching) pursuant to the *Tasmanian Planning Scheme – Brighton Local Provisions* Schedule



Figure 6. Detailed location of study area, showing extent of Priority Vegetation Area overlay (green hatching) pursuant to the *Tasmanian Planning Scheme – Brighton Local Provisions Schedule*



Figure 7a. Geology of study area and surrounds: 1:250,000 scale (refer to text for code)



Figure 7b. Geology of study area and surrounds: 1:20,000 scale (refer to text for codes)



Plates 5-8. Views of the status of Ashburton Creek viewed from 6 Woodrieve Road – note in particular the extensive disturbance of the watercourse and associated flats immediately west of the western point of the title, with this disturbance continuing extensively "upstream" to the northwest (on the council title) and north (on the private title north of 6 Woodrieve Road, which is shown in Plates 9-12



Plates 9-12. Examples of extensive 4WD impacts to the bed, banks and associated flats of Ashburton Creek within the council title

Part of the council title is also subject to the Priority Vegetation Area overlay (Figure 6), although the rationale for the overlay is not understood. This overlay was created by application of the Regional Ecosystem Model (REM), which used TASVEG v3.0 as its primary source of vegetation mapping, as well as other sources such as point locations and habitat of threatened flora and fauna (but also some other sources not linked to formal legislative or policy instruments such as bioregional status of native vegetation communities).

"Priority vegetation" is defined pursuant to C7.3.1 of the Natural Assets Code of the *State Planning Provisions* as follows:

- C7.3 Definition of Terms
- C7.3.1 In this code, unless the contrary intention appears:

means native vegetation where any of the following apply:

- (a) it forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the *Nature Conservation Act 2002*;
- (b) is a threatened flora species;
- (c) it forms a significant habitat for a threatened fauna species; or
- (d) it has been identified as native vegetation of local importance.

Examination of available information prior to site assessment clearly indicates that none of these components would be applicable to the area, given it is mapped (on all versions of TASVEG) as urban areas (TASVEG code: FUR) i.e. a modified land mapping unit, and there are no records of threatened flora or fauna in the immediate vicinity.

Proposal

It is understood that the proposal is to retrospectively seek approval for the provision of fill to 6 Woodrieve Road and to appropriately manage the fill spillover on to the council title, the latter based partly on the findings of the present assessment of natural values (but also noting that correspondence from Brighton Council dated 19 Jun. 2024 also requests further information in relation to "details and levels on the depth and type of fill or excavation over or within proximity to Council's stormwater main" (Item 1) and "a Flood Hazard Report completed by a suitably qualified person...to comply with the performance criteria outlined under C12.5.1 P1.2 and C12.6.1 P1.1 & P1.2 [to] demonstrate how the overland flow can be accommodated through the site and address the relevant performance criteria" (Item 3).

Detailed site plans (Figure 8) were provided as part of undertaking the present assessment that clearly indicated the extent of fill relative to the title, easements and Ashburton Creek. These informed the assessment and consideration of the relevant provisions of the Natural Assets Code provided herein. However, it is recognised that other factors (i.e. those matters considered at Items 1 & 3 above) might influence the manner in which the fill (particularly the overspill) is managed.

Assessment

Preliminary database checks

LISTmap was examined to determined existing vegetation mapping and known sites for threatened flora and fauna. Database reports were produced under DNRET's *Natural Values Atlas* (DNRET 2024), the Forest Practices Authority's *Biodiversity Values Database* (FPA 2024 – only available online) and the Commonwealth *Protected Matters Report* (CofA 2024) to support the assessment process (all appended for reference).

1



Figure 8a. Existing site plan [source: Little Island Building Design]





Assessment continued...

Site assessment

Mark Wapstra (ECO*tas*) attended the site on 23 Aug. 2024. The assessment included the whole of the subject title of 6 Woodrieve Road and extended to the adjacent council title in which Ashburton Creek is located (i.e. the area of the spillover of fill). For context, some other parts of Ashburton Creek were also examined including closer to its outfall into the River Derwent (i.e. where it passes under Boyer Road and Cobbs Hill Road and runs through paddock and housing adjacent to Sorell Street) and further upstream of the subject title (i.e. upstream and downstream of where it passes under the new Lukaarlia Drive).

Findings

Vegetation types

TASVEG 3.0, 4.0 & Live maps the subject title as (Figure 9):

• extra-urban miscellaneous (TASVEG code: FUM).

This mapping recognises the industrial status of the subject title and adjacent titles. Examination of aerial imagery (including Google Earth historical imagery) indicates that the site was once part of a much broader area of primary production land (but long disused as such). Whether it should have been mapped at one time as agricultural land (TASVEG code: FAG) or regenerating cleared land (TASVEG code: FRG) is somewhat moot because in recent years it has been disused/informally "managed" as part of broader industrial estate such that FUM is presently appropriate (and has been for several years).

TASVEG 3.0, 4.0 & Live maps the adjacent council title as (Figure 9):

• urban areas (TASVEG code: FUR).

Again, the status of adjacent "rural living" titles as FUR has been long-recognised under TASVEG, with only limited areas of remnant vegetation in the wider area mapped as units such as *Eucalyptus viminalis* grassy forest and woodland (TASVEG code: DVG). While the residentially-occupied titles are appropriately classified as FUR, even when supporting some remnant native vegetation (which is in accordance with the iterative approach in TASVEG Live to re-code such land uses as FUR), the classification of the council titles associated with Ashburton Creek as FUR was never considered appropriate. This is because the area within the titles has clearly never been residentially-occupied nor properly formed part of what could be considered a "residential yard". The appropriate classification is discussed below.

Site assessment confirmed that the subject title is most appropriately mapped as FUM (Figure 10), recognising historical and contemporary land use (Plates 1-4). Once developed for some industrial purpose pursuant to the General Industrial zoning, FUM will remain appropriate.

As the adjacent council title forms part of the retrospective planning application, it is necessary to confirm/update the vegetation mapping for this site. As mentioned, the current classification as FUR is not considered appropriate. However, the site is somewhat challenging to classify because of its long history of modification, but also because of recent extensive and intensive disturbance by 4WDing activity. Prior to disturbance, it was probably best classified as either FAG (broader concept including watercourses with some native vegetation along them) or (perhaps better) as FRG (recognising the disuse as primary production and gradual reversion from true pasture to disused pasture supporting some native components). Technically, the overspill area is now best mapped as FUM, although this is not suggested as necessary because



Figure 9. Existing TASVEG 3.0, 4.0 & Live vegetation mapping for subject title and surrounds (refer to text for codes)



Figure 10. Revised vegetation mapping for subject title (refer to text for code)

Findings Vegetation types continued...

the key management recommendation is to pull this fill back and revegetate the disturbed area. The fringe of vegetation between the subject title and the eastern "bank" of Ashburton Creek is heavily infested with weeds (Plates 13-16) dominated by *Foeniculum vulgare* (fennel), *Rubus* sp. (blackberry), *Rosa rubiginosa* (sweet briar), *Phalaris* spp. (canarygrass) and *Dactylis glomerata* (cocksfoot), such that a narrow strip could be classified as a weed infestation (TASVEG code: FWU). That is, it is likely that the overspill was largely across what was best considered as FWU (but certainly not a native vegetation community). Note that a revised vegetation map is not provided for this area because this would be most appropriately undertaken following rehabilitation of the narrow strip described above.



Plates 13-16. Weed-infested strip between eastern "bank" of Ashburton Creek and southwestern boundary of title

Occurrences of FUM (i.e. within title) and FRG (i.e. most appropriate for council title) do not equate to a native vegetation community listed as threatened on Schedule 3A of the Tasmanian *Nature Conservation Act 2002* or to a threatened ecological community listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

Occurrences of FUM & FRG do not qualify as "priority vegetation" within the intent of C7.3.1 of the Natural Assets Code of the *State Planning Provisions* (see previously cited definition), specifically because they do not form "an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the *Nature Conservation Act 2002*". That is, C7.3.1(a) is not applicable.



Threatened flora

No plant species listed as threatened on the Tasmanian *Threatened Species Protection Act 1995* and/or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* are known from database information from the subject title or immediate surrounds (Figure 11).

Site assessment detected an extensive population of *Bolboschoenus medianus* (marsh clubsedge) along Ashburton Creek (Figure 12). Although widespread on mainland Australia, in Tasmania it is apparently restricted to a small number of saline lagoons in the Midlands centred on the Tunbridge-Ross area, with records from King Island requiring confirmation (because more recently the closely-related *Bolboschoenus caldwellii* has been collected from the same site). The closely-related and superficially similar *Bolboschoenus caldwellii* (sea clubsedge) is much more widespread. However, both are listed as rare (Schedule 5) on the Tasmanian *Threatened Species Protection Act 1995*: the status of both, in my opinion, warrant review (*B. caldwellii* for possible delisting, *B. medianus* for possible uplisting). The species are largely separated on characters of the fruit, which is a nut: in *B. caldwellii* it is lenticular (lens-shaped), pale brown and reticulated (patterned); in *B. medianus* it is trigonus (three-sided), almost black and shiny/smooth. The nuts of the material from Ashburton Creek were clearly the latter. Specimens were collected from closer to Lukaarlia Drive and will be submitted to the Tasmanian Herbarium). This novel site represents a significant range extension for the species.

At this site, *B. medianus* occurs along the fringes of Ashburton Creek as well as occupying the main part of the shallower parts of the creek itself. It extends on to the associated flats. The species likes its "feet wet" (i.e. grows in mud) so does not extend beyond the very low "banks" of Ashburton Creek where these are associated with even a minor change in elevation. It appears highly unlikely that the overspill physically covered any part of the extent of the population of *Bolboschoenus medianus* (Plate 17). If future works include removing the overspill, this should be conducted in a manner that does not allow further spoil to roll into the watercourse.



Plate 17. View from western side of Ashburton Creek looking towards overspill – *Bolboschoenus medianus* is the browned-off sedge growing in the water and extending to the edge of (but not beyond) the shallow bank

The presence of a population of threatened flora along Ashburton Creek means that at least the creek itself and its immediate surrounds reasonably qualifies as "priority vegetation" (see previously cited definition).



Figure 11. Distribution of threatened flora in vicinity of study area (overview)



Figure 12a. Distribution of *Bolboschoenus medianus* in vicinity of study area (context) – note that aerial imagery clearly suggests the species extends downstream and upstream of these mapped locations



Figure 12b. Distribution of Bolboschoenus medianus closer to study area

Threatened fauna

No fauna species listed as threatened on the Tasmanian *Threatened Species Protection Act 1995* and/or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* are known from database information, or were detected as a consequence of field assessment, from the study area (Figure 13).

On this basis, the study area cannot qualify as "priority vegetation" (see previously cited definition), specifically because of the presence of "significant habitat for a threatened fauna species", where "significant habitat" is defined as follows:

"the habitat within the known or core range of a threatened fauna species, where any of the following applies:

- (a) is known to be of high priority for the maintenance of breeding populations throughout the species' range; or
- (b) the conversion of it to non-priority vegetation is considered to result in a long-term negative impact on breeding populations of the threatened fauna species".

Problematically, the *Scheme* does not define the terms "known" or "core" range, which means this could rely on those used by other agencies such as the Forest Practices Authority and/or the Department of Natural Resources and Environment Tasmania, which are effectively presented in the relevant database reports (DNRET 2024; FPA 2024).

While the study area is within the so-called "known or core range" of some listed fauna species, in no manner can any part of the site proposed for development be assigned as being of "high priority for the maintenance of breeding populations throughout the species' range" at any reasonable scale or be in any way construed as meeting the intent of a scenario in which "the conversion of it [i.e. "significant habitat"] to non-priority vegetation [could be] considered to result in a long-term negative impact on breeding populations of the threatened fauna species". The only threatened species likely to intermittently occupy this site is *Perameles gunnii* (eastern barred bandicoot), not considered threatened at a State level, and also likely to utilise/occupy the wider industrial estate, disused paddocks and residentially-occupied titles in a similar manner, such that in no manner could its presence be regarded as meeting the intent of "significant habitat", such that C7.3.1(c) is not considered applicable.

Declared and environmental weeds

Site assessment indicated that the study area (subject title) and surrounds (council title) comprises almost entirely of naturalised (i.e. non-native) plant species, with the following declared (pursuant to the Tasmanian *Biosecurity Regulations 2022*) and environmental (author opinion) present (Figure 14):

- *Lycium ferocissimum* (african boxthorn) [declared]: restricted to a single clump just outside the title along Woodrieve Road and scattered mature plants on the western side of Ashburton Creek in the council title;
- *Foeniculum vulgare* (fennel) [declared]: locally dense infestation co-occurring with *Rubus* sp. and dense introduced grass between Ashburton Creek and subject title;
- *Rubus* sp. (blackberry) [declared]: as above and also scattered in title to northwest of subject title; and
- *Rosa rubiginosa* (sweet briar): scattered mature plants between Ashburton Creek and subject title.

The presence of weeds is relevant to the future management of the site but needs to be considered in the wider context of such species being widespread and locally common, including in the council titles.



Figure 13. Distribution of threatened fauna in vicinity of study area (overview)



Figure 14. Distribution of declared and environmental weeds in vicinity of study area

Assessment against Natural Assets Code of Tasmanian Planning Scheme

The purpose of the Natural Assets Code is stated below:

- C7.1 The purpose of the Natural Assets Code is:
 - C7.1.1 To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.
 - C7.1.2 To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.
 - C7.1.3 To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.
 - C7.1.4 To minimise impacts on identified priority vegetation.
 - C7.1.5 To manage impacts on threatened fauna species by minimising clearance of significant habitat.

The above purpose statements are essentially addressed through the relevant development standards. Of the purpose statements, C7.1.1 & C7.14 are considered most relevant.

The application of the Natural Assets Code is stated below:

- C7.2 Application of this Code:
 - C7.2.1 This code applies to development on land within the following areas:
 - (a) a waterway and coastal protection area;
 - (b) a future coastal refugia area; and
 - (c) a priority vegetation area only if within the following zone:
 - (i) Rural Living Zone;

C7.2.2 This code does not apply to use.

The Waterway and Coastal Protection Area overlay is applied to both the subject title (part of) and the council title (Figure 5) such that the Code has application to both areas subject to the overlay. The Priority Vegetation Area overlay is only applied to the council title (Figure 6) such that the Code has application to that area only.

The two overlays are considered in turn below.

Waterway and Coastal Protection Area overlay

The relevant development standards of the Natural Assets Code are C7.6.1 (Buildings and works within a waterway and coastal protection area or future coastal refugia), and have the following objective:

- C7.6 Development Standards for Buildings and Works
 - C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area

Objective:

That buildings and works within a waterway and coastal protection area or future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets.

Unfortunately, definitions and limits are not provided for terms and phrases such as "unnecessary" or "unacceptable". However, all these terms clearly contemplate some level of impact as being acceptable, such that it falls to professional opinion to assess a particular proposal against these objective statements. However, definitions relevant to the consideration of the concept of "an unnecessary or unacceptable impact" include the following:

- <u>natural assets</u> mean "biodiversity, environmental flows, natural streambank and streambed condition, riparian vegetation, littoral vegetation, water quality, wetlands, river condition and waterway and/or coastal values";
- <u>riparian vegetation</u> means "vegetation found within or adjacent to watercourses, wetlands, lakes and recharge basins", presumably the "adjacent to" by reference to the relevant spatial extents indicated at Table C7.3 (in this case, Ashburton Creek is a class 2 watercourse with 30 m applied to each side); and
- <u>waterway values</u> means "the values of watercourses and wetlands derived from their aquatic habitat and riparian vegetation, physical elements, landscape function, recreational function and economic function".

The broader intent of the objective statement is more formally addressed through the relevant acceptable solutions and performance criteria.

There are four Acceptable Solutions/Performance Criteria under C7.6.1, of which A1/P1 is considered the most relevant to the present assessment (and as referred to in correspondence from Brighton Council dated 19 Jun. 2024).

The acceptable solution A1 for C7.6.1 is stated as:

C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area

Acceptable Solution

- A1 Buildings and works within a waterway and coastal protection area must:
 - (a) be within a building area on a sealed plan approved under this planning scheme;
 - (b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5 m in width; or
 - (c) if within the spatial extent of tidal waters, be an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway that is not more than 20% of the area of the facility existing at the effective date.

Solution A1 is presumed to not be satisfied on any of the sub-clauses.

The performance criteria P1.1 are stated as:

C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area

Performance Criteria

P1.1

Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:

- (a) impacts caused by erosion, siltation, sedimentation and runoff;
- (b) impacts on riparian or littoral vegetation;
- (c) maintaining natural streambank and streambed condition, where it exists;
- (d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;
- (e) the need to avoid significantly impeding natural flow and drainage;
- (f) the need to maintain fish passage, where known to exist;
- (g) the need to avoid land filling of wetlands;

- (h) the need to group new facilities with existing facilities, where reasonably practical;
- (i) minimising cut and fill;
- (j) building design that responds to the particular size, shape, contours or slope of the land;
- (k) minimising impacts on coastal processes, including sand movement and wave action;
- minimising the need for future works for the protection of natural assets, infrastructure and property;
- (m) the environmental best practice guidelines in the *Wetlands and Waterways Works Manual*; and
- (n) the guidelines in the Tasmanian Coastal Works Manual.

In the first instance, P1.1 will be considered as if the recent works (fill) had not been undertaken i.e. that the site was "as is" prior to works. This then requires a consideration of what extent, depth and type of fill would be acceptable to meet the intent of "avoid[ing] or minimis[ing] adverse impacts on natural assets". In my opinion, while the overlay extended into the title by quite some distance, the historical land management was such that if a proposal to supply a layer of clean fill to the within the title had been presented, this should have been considered as acceptable provided that it was demonstrated that any works associated with this would not create an "adverse impact" to the natural values of the waterway. In such circumstances, logical management constraints might have been:

- ensure the boundaries of the titles and any relevant services are precisely surveyed prior to works to ensure any fill does not extend beyond the title boundary;
- design the spreading of fill such that the risk of it moving downslope off-title and towards Ashburton Creek is minimised – this may have included such provisions as:
 - minimising the slope of the fill; and
 - providing temporary sediment barriers (e.g. drift fence) at the edge of the title (and perhaps also at the eastern "bank" of Ashburton Creek).

As it stands, this development is being considered retrospectively, such that it now falls to professional opinion on providing recommendations on how the works can be made to comply with P1.1. In my opinion, the works have had an impact within the overlay. However, it is more challenging to indicate that the works have had an "adverse impact on natural values" because, as indicated, the strip of land between the "bank" of Ashburton Creek and the title boundary was probably best mapped as a localised weed infestation. In effect, the fill has covered weeds. The decision then needs to be made as to whether the fill should be removed, left "as is" or rehabilitated in some manner (whether removed or left "as is").

While there is a reasonably strong argument to leave the site "as is" because it appears the fill is quite stable and had not directly entered into the watercourse itself (and has serendipitously avoided covering any of the rare plant population), the fate of the slope of fill is most likely to revert to a weed infestation, simply because there is so much new bare ground and a massive source of weed propagules in the immediate area. In summary, therefore, I do not support this option.

A "middle ground" option might be to leave the slope of fill "as is" in terms of its extent, depth and slope (on the assumption it is stable and not prone to erosion) but revegetate it with native species. Council has already extensively planted native species along Ashburton Creek closer to Lukaarlia Drive (with mixed success) and there has been natural (or perhaps encouraged) regeneration of *Poa labillardierei* (silver tussockgrass) downstream of the small weir on Ashburton Creek near the southern end of the fill. If other factors indicate that the slope of fill should be retained "as is" (and I accept that this may be a logical outcome in terms of factors such as services and the like), the actions recommended for the preferred option below should be applied to the currently exposed fill.

In my opinion, the preferred management option is to remove the fill from the council title and bring it back into the subject title, presumably by use of an excavator working from within the title itself. While this carries the minor risk of introducing some material into the watercourse (which has been avoided to date), simple measures should mitigate this risk to an acceptable level. While ideally all fill will be removed to effectively recreate the original slope adjacent to the creek, it is recognised that this was always probably modified to some extent, such that the objective should be to create a slope that will minimise the risk of erosion and facilitate revegetation. Once this new surface is created, planting of native species can be undertaken to create a semblance of natural riparian vegetation (acknowledging that such has probably not existed along this section of creek for many decades).

Correspondence from Brighton Council dated 19 Jun. 2024 requested that this assessment include a "management plan completely by a suitably qualified person" to address C7.6.1 P1.1. The following is intended to address this request and therefore the sub-clauses of P1.1 (i.e. "having regard to" these).

- remove overspill from council title:
 - where practical, using an excavator wholly from within the private title;
 - but if necessary allowing the machine to enter into the council title but not beyond the current extent of overspill; but in either scenario:
 - prior to works, establish a sediment drifty fence (minimum 50 cm high) at the outer edge of Ashburton Creek);
- reshape the newly exposed soil to as close to the original natural ground level as possible but allowing for a gentle slope between the edge of the overspill and the private title boundary to be created;
- within 1-month of reshaping the slope between Ashburton Creek and the private title boundary, undertake the following:
 - cover the newly exposed soil with a minimum of 30 cm of mulch, or if less, first cover with commercially available weed matting prior to a applying a layer of mulch;
- within 3-months of applying a layer of mulch, plant native species as follows:
 - Bursaria spinosa (prickly box) 1 every 5 m = ca. 20 plants (ca. 90 m length area to revegetate);
 - Dodonaea viscosa (sticky hopbush) 1 every 5 m = ca. 20 plants (ca. 90 m length area to revegetate);
 - note that the total number of shrubs is important here i.e. it can be any combination of the two species (even just one species) but what is indicated is approximately 40 plants in the disturbed area, which is ca. 90 m long and may end up ca. 1-4 m wide;
 - Poa labillardierei (silver tussockgrass) 1 every 3 m in 3 "rows" = ca. 90 plants (ca. 90 m length area to revegetate and 3 "rows" these need not be straight); and
 - Lomandra longifolia (sagg) 1 every 5 m in 2 "rows" = ca. 40 plants (ca. 90 m length area to revegetate and 2 "rows" this species is intended to infill between shrubs and silver tussockgrass so can be planted haphazardly);
 - protect shrubs with browsing guards for at least 2 years
- undertake monitoring (by a suitably qualified person) of the success of plant establishment between 12-15 months after planting and where necessary provide recommendations for further planting (this would be indicated if there has been less than ca. 70% success rate of plantings but will need to be guided by professional opinion taking account of site conditions and other factors); and
- undertake monitoring (by a suitably qualified person) between 12-15 months after planting to assess the site for declared and environmental weeds and provide recommendations for their management (to be undertaken in the following 12 months).

Priority Vegetation Area overlay

While the Priority Vegetation Area overlay is present within the area proposed for rehabilitation (see section above), the primary value that contributes to the classification of part of this area as "priority vegetation" is the population of *Bolboschoenus medianus* (swamp clubsedge), a threatened flora species effectively restricted to the shallow water and immediate fringes of Ashburton Creek. The species is clearly highly tolerant of quite intensive disturbance such that during the proposed rehabilitation works, there is a very low risk of impact to the species.

As an aside, I do not believe that a separate permit under Section 51 of the Tasmanian *Threatened Species Protection Act 1995* to "knowingly take a specimen of listed flora" will need to be sought from the Department of Natural Resources and Environment Tasmania provided that the works do not materially impact on Ashburton Creek itself (i.e. the open water and the immediate "banks"). If works are anticipated to require the "taking" of *Bolboschoenus medianus*, it is recommended to seek direct advice from the Conservation Assessments Section of NRE Tas.

The relevant development standards of the Natural Assets Code are C7.6.2 (Clearance within a priority vegetation area), and have the following objective:

- C7.6 Development Standards for Buildings and Works
 - C7.6.1 Clearance within a priority vegetation area

Objective:

That:

- (a) does not result in unreasonable loss of priority vegetation;
- (b is appropriately managed to adequately protect identified priority vegetation; and
- (c) minimises and appropriately manages impacts from construction and development activities..

Unfortunately, definitions and limits are not provided for terms and phrases such as "unreasonable loss", "appropriately manage" or "adequately protect". However, while all these terms clearly contemplate some level of impact as being acceptable, such that it falls to professional opinion to assess a particular proposal against these objective statements, in this case the "priority vegetation" value if a rare plant and the objective should be to ensure no impact is required. That said, if this objective is satisfied, there will not be a need for any impact to "priority vegetation" per se.

The acceptable solution A1 for C7.6.2 is stated as:

C7.6.2 Clearance within a priority vegetation area

Acceptable Solution

A1 Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme.

Solution A1 is presumed to not be satisfied.

The performance criteria P1.1 are stated as:

C7.6.2 Buildings and works within a waterway and coastal protection area or a future coastal refugia area

Performance Criteria

P1.1

Clearance of native vegetation within a priority vegetation area must be for:

(a) an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire

protection, as recommended by the Tasmania Fire Service or an accredited person;

- (b) buildings and works associated with the construction of a single dwelling or an associated outbuilding;
- (c) subdivision in the General Residential Zone or Low Density Residential Zone;
- (d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;
- (e) clearance of native vegetation where it is demonstrated that on-going preexisting management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or
- (f) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.

In the first instance, P1.1 will be considered as if the recent works (fill) had not been undertaken i.e. that the site was "as is" prior to works. In my opinion, this would have logically resulted in a conclusion that no impact to "priority vegetation" would have been acceptable. At the time, the available evidence would simply have referred this to the extent of the Priority vegetation Area overlay. With the new information, this can now be limited, technically, to the extent of the population of the rare plant. Irrespective, the logical approach would have been to not require consideration of P1.1. Now that P1.1 does need to be considered, it is necessary to assign the works to one of the sub-clauses. Of these, P1.1(f) is perhaps the only one applicable if it is considered that the "clearance of native vegetation" was "of a limited scale relative to the extent of priority vegetation on the site". In fact, it is now known that the works did not in fact result in any "clearance of native vegetation" and specifically no impact to "priority vegetation" (which is now recognised as the population of rare flora) and that this specific "priority vegetation": is extensive not just adjacent to the subject title but upstream and downstream of it along Ashburton Creek.

That is, in effect, P1.1 should not have needed to be considered but now that it needs to be, technically satisfying it is challenging except by loose reference to P1.1(f). That said, it is not considered critical in this case, given that the suggested management actions under C7.6.1 P1.1 will effectively result in the restoration of the now disturbed parts of the overlay.

The performance criteria P1.2 are stated as:

C7.6.2 Buildings and works within a waterway and coastal protection area or a future coastal refugia area

Performance Criteria

P1.2

Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:

- (a) the design and location of buildings and works and any constraints such as topography or land hazards;
- (b) any particular requirements for the buildings and works;
- (c) minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings;
- (d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;
- (e) any on-site biodiversity offsets; and
- (f) any existing cleared areas on the site.

As a starting point, the opening phrase of P1.2 refers to "...must minimise adverse impacts on priority vegetation..." (reiterating that "priority vegetation" present is now specifically identified as the population of rare flora). The use of the term "minimise" contemplates a level of

acceptable impact, although this is not defined anywhere. In this case, it is recommended to avoid (not just minimise) adverse impacts on priority vegetation, through the implementation of the management plan recommended under C7.6.1 P1.1, such that P1.2 is considered satisfied.

Summary of findings and recommended actions

Site assessment has found that works within the private title of 6 Woodrieve Road has had minimal to no adverse impact on natural values within the title itself. However, fill has extended into the adjacent council title and technically covered an area of what was almost certainly mainly weeds and serendipitously avoided direct impact to the watercourse itself, which was found to support an extensive population of the rare plant *Bolboschoenus medianus* (marsh clubsedge).

A management plan is presented that indicates a preferred solution of (a) removing the overspill from the council title in a manner designed to minimise adverse impacts to the natural values during works and (b) providing for the longer-term revegetation (including management of weeds) of the disturbed ground. This plan is considered to satisfy the intent of C7.6.1 P1.1 and C7.6.2 P1.1 & P1.2.

Note that this statement does not constitute legal advice, and provides an interpretation of the provisions of the *State Planning Provisions*, which may not represent the views of Clarence City Council. It is recommended that formal advice be sought from the relevant agency prior to acting on any aspect of this report.

Please do not hesitate to contact me further if additional information is required.

Kind regards

Mugston

Mark Wapstra Senior Scientist/Manager

References

- CofA (Commonwealth of Australia) (2024). *Protected Matters Report* for a polygon defining the subject title, buffered by 5 km, dated 5 Aug. 2024 Appended for reference.
- de Salas, M.F. (Ed.) (2024+). *Flora of Tasmania Online*. Tasmanian Herbarium, Hobart. [for nomenclature of vascular flora species]
- de Salas, M.F. & Baker, M.L. (2024). *A Census of the Vascular Plants of Tasmania, including Macquarie Island*. Tasmanian Herbarium, Hobart. [for nomenclature of vascular flora species]
- DNRET (Department of Natural Resources and Environment Tasmania) (2024). *Natural Values Atlas* report ECOtas_6WoodrieveRoad for a polygon defining the subject title (centred on 518698mE 526939mN), buffered by 5 km, dated 5 Aug. 2024 – Appendix E.
- DPIPWE (Department of Primary Industries, Parks, Water & Environment) (2015). *Guidelines for Natural Values Surveys Terrestrial Development Proposals*. Department of Primary Industries, Parks, Water & Environment, Hobart. [for assessment standards]

- FPA (Forest Practices Authority) (2024). *Biodiversity Values Database* report, specifically the species' information for grid reference centroid 518698mE 526939mN (i.e. a point defining the approximate centre of the assessment area), buffered by 5 km and 2 km for threatened fauna and flora records, respectively, hyperlinked species' profiles and predicted range boundary maps, dated 5 AUG. 2024 Appendix F.
- Kitchener, A. & Harris, S. (2013+). From Forest to Fjaeldmark: Descriptions of Tasmania's Vegetation. Edition 2 (online edition). Department of Primary Industries, Parks, Water & Environment, Hobart. [nomenclature and classification of vegetation types]
- Wapstra, H., Wapstra, A., Wapstra, M. & Gilfedder, L. (2005+, updated online at www.nre.tas.gov.au). *The Little Book of Common Names for Tasmanian Plants*. Department Primary Industries, Parks, Water & Environment, Hobart. [nomenclature of vascular flora species]





Submission to Planning Authority Notice

Application details

Council Planning Permit No.	DA 2024 /00104
Council notice date	19/06/2024
TasWater Reference No.	TWDA 2024/00723-BTN
Date of response	28/02/2025
TasWater Contact	Al Cole
Phone No.	0439605108
Response issued to	
Council name	BRIGHTON COUNCIL
Contact details	development@brighton.tas.gov.au
Development details	
Address	6 WOODRIEVE RD, BRIDGEWATER
Property ID (PID)	9639793
Description of development	Rectification of unapproved site works (fill)
Schedule of drawings/documents	

Prepared by	Drawing/document No.	Revision No.	Issue date
Little Island Building Design	Proposed Site Plan	4	12/02/2025

Conditions

Pursuant to the *Water and Sewerage Industry Act* 2008 (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:

ASSET CREATION & INFRASTRUCTURE WORKS

- 1. Prior to applying for a Certificate for Certifiable Works, the developer must physically locate all existing infrastructure to provide sufficient information for accurate design and physical works to be undertaken.
- 2. Plans submitted with the application for Certificate(s) for Certifiable Work (Building and/or Plumbing) must, to the satisfaction of TasWater show, all existing, redundant and/or proposed property services and mains.
- 3. In addition to any other conditions in this permit, all works must be constructed under the supervision of a suitably qualified person in accordance with TasWater's requirements.



- 4. The developer must take all precautions to protect existing TasWater infrastructure. Any damage caused to existing TasWater infrastructure during the construction period must be promptly reported to TasWater and repaired by TasWater at the developer's cost.
- 5. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.
- 6. A construction management plan must be submitted with the application for TasWater Certificate(s). The construction management plan must detail how the fill will be removed while maintaining current levels of services provided by TasWater to the community. The construction plan must also include a risk assessment and contingency plans covering major risks to TasWater during any works. The construction plan must be to the satisfaction of TasWater prior to TasWater's Engineering Design Approval being issued.
- 7. Prior to the issue of a TasWater Certificate of Compliance, the applicant must submit a .dwg file, prepared by a suitably qualified person to TasWater's satisfaction, showing:
 - a. The toe of the fill batter is a minimum of 2.0m from the outside of all water mains inside the property and;
 - b. Cover levels over the water mains are in accordance with the relevant standard.

The developer must locate the fill and the existing TasWater infrastructure and clearly show it on the .dwg file. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost.

56W CONSENT

8. When applying for a Certificate for Certifiable Work (Building) and/or (Plumbing), the application documentation must include an application to TasWater, pursuant to section 56W of the Water and Sewerage Industry Act 2008, for its consent in respect of that part of the development which is built within a TasWater easement or over or within two metres of TasWater infrastructure.

DEVELOPMENT ASSESSMENT FEES

9. The applicant or landowner as the case may be, must pay a development assessment fee of \$\$403.51 to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date paid to TasWater.

The payment is required within 30 days of the issue of an invoice by TasWater.

In the event Council approves a staging plan, a Consent to Register a Legal Document fee for each stage, must be paid commensurate with the number of Equivalent Tenements in each stage, as approved by Council.

Advice

General

For information on TasWater development standards, please visit <u>https://www.taswater.com.au/building-and-development/technical-standards</u> For application forms please visit <u>https://www.taswater.com.au/building-and-development/development-application-form</u>

Developer Charges



For information on Developer Charges please visit the following webpage https://www.taswater.com.au/building-and-development/developer-charges

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 (<u>www.taswater.com.au</u>) within our Sub-Metering Policy and Water Metering Guidelines.

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 <u>https://www.taswater.com.au/building-and-</u> <u>development/service-locations</u> for a list of companies.
- (c) Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.

<u>NOTE:</u> In accordance with the WATER AND SEWERAGE INDUSTRY ACT 2008 - SECT 56ZB A regulated entity may charge a person for the reasonable cost of -

(a) a meter; and

(b) installing a meter.

56W Consent

The plans submitted with the application for the Certificate for Certifiable Work (Building) and/or (Plumbing) will need to show footings of proposed buildings located over or within 2.0m from TasWater pipes and will need to be designed by a suitably qualified person to adequately protect the integrity of TasWater's infrastructure, and to TasWater's satisfaction, be in accordance with AS3500 Part 2.2 Section 3.8 to ensure that no loads are transferred to TasWater's pipes. These plans will need to also include a cross sectional view through the footings which clearly shows;

- (a) Existing pipe depth and proposed finished surface levels over the pipe;
- (b) The line of influence from the base of the footing must pass below the invert of the pipe and be clear of the pipe trench and;
- (c) A note on the plan indicating how the pipe location and depth were ascertained.
- (d) The location of the property service connection and sewer inspection opening (IO).

Boundary Trap Area

The proposed development is within a boundary trap area and the developer will need to provide a boundary trap that prevents noxious gases or persistent odours back venting into the



property's sanitary drain. The boundary trap is to be be contained within the property boundaries and the property owner remains responsible for the ownership, operation and maintenance of the boundary trap.

Advice to Planning Authority (Council) and developer on fire coverage

TasWater cannot provide a supply of water for the purposes of firefighting to the lots on the plan.

Advice to the Drainage Authority

The combined system is at capacity in this area. TasWater cannot accept additional flows of stormwater into this area within the combined system over those currently discharged.

The Drainage Authority will be required to either refuse or condition the development to ensure the current service standard of the combined system is not compromised.

Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.