



GLAMORGAN SPRING BAY
COUNCIL

Special Meeting Agenda

For the Special
Meeting of Council
to be held at the
Triabunna Council
Offices

1 March, 2016

THAT NOTICE OF SPECIAL MEETING

Notice is hereby given that the Mayor has called a Special Meeting of the Glamorgan Spring Bay Council to be held at the Triabunna Council Offices, Triabunna on Tuesday the 1st March 2016 at 5.00pm.



Dated this Friday 26th February, 2016

**David Metcalf
GENERAL MANAGER**

"I certify that with respect to all advice, information and recommendations provided to Council with this agenda:

- 1. 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**
- 2. Where any advice is given directly to the Council 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 any appropriately qualified or experienced person. "**

Note: Section 65 of The Local Government Act 1993 states:

- (1) A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.**
- (2) A council or council committee 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 or council committee.**



**David Metcalf
GENERAL MANAGER**

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1. Opening

The Mayor to welcome Councillors, staff and Members of the Public and declare the meeting open at (Time).

1.1 Present and Apologies

1.2 In Attendance

1.3 Declaration of Pecuniary Interests

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2005, the Mayor requests Elected Members to indicate whether they or a close associate have, or likely to have, a pecuniary interest in any item included in the Agenda.

2. PLANNING AUTHORITY SECTION

Under Regulation 25 of *Local Government (Meeting Procedures) Regulations 2005* the Chairperson hereby declares that the Council is now acting as a Planning Authority under the provisions of the *Land Use Planning and Approvals Act 1993* for Section 2 of the Agenda.

Recommendation

That Council now acts as a Planning Authority. (Time:)

2.1 DA15190 – Single Dwelling & Addition to Outbuilding, 15 Walters Drive, Orford

Planning Assessment Report

Proposal:	Single Dwelling and Addition to Outbuilding
Applicant:	Perri Dove
Location:	15 Walters Drive, Orford
Planning Document:	<i>Glamorgan Spring Bay Interim Planning Scheme 2015 (Interim Scheme)</i>
Zoning:	General Residential Zone
Application Date:	12 October 2015
Statutory Date:	18 February 2016 (Extension granted until 4 March 2016)
Discretions:	Setback and Building Envelope for All Dwellings Surface Treatment of Parking Areas Coastal Inundation Medium Hazard Areas
Attachments:	Appendix A – Plans Appendix B – TasWater Notice, TWDA 2015/01666-GSB
Author:	Patrick Carroll, Contract Planner

1. Executive Summary

- 1.1. Planning approval is sought for the development of a Single Dwelling and Addition to Outbuilding at 15 Walters Drive, Orford. The site is within the General Residential Zone.
- 1.2. The application is discretionary due to reliance on three (3) performance criteria.
- 1.3. Three (3) statutory representations were received within the public advertising period. Please refer to Section 10 of this report for a response to the concerns raised against the provisions of the Interim Scheme.
- 1.4. The proposal is recommended for **conditional approval**.
- 1.5. The final decision must be made by the Planning Authority or by full Council acting as a Planning Authority due to the receipt of statutory representations during the public exhibition period.

2. Legislative & Policy Content

- 2.1. The purpose of this report is to enable the Planning Authority to determine application DA 2015 / 00190.
- 2.2. This determination must be made no later than **4 March 2016**, which has been extended beyond the normal statutory timeframe with the consent of the applicant.
- 2.3. The relevant legislation is the *Land Use Planning and Approvals Act 1993 (LUPAA)*. The provisions of LUPAA require a planning authority to take all reasonable steps to ensure compliance with the planning scheme.
- 2.4. This report details the reasons for the officer recommendation. The Planning Authority must consider this report but is not bound to adopt the recommendation. Broadly, the Planning Authority can either:

(1) adopt the recommendation; or

(2) vary the recommendation by adding, modifying or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa).

Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2005*.

- 2.5. This report has been prepared with appropriate regard to the State Policies that apply under the *State Policies and Projects Act 1993*.
- 2.6. This report has been prepared with appropriate regard to Council's Strategic Plan and other Council policies, and the application is not found to be inconsistent with these. Nevertheless, it must be recognised that the planning scheme is a regulatory document that provides the overriding consideration for this application. Matters of policy and strategy are primarily a matter for preparing or amending the planning scheme.

3. Risk & Implications

- 3.1. Approval or refusal of this application will have no direct financial implications for the Planning Authority.
- 3.2. Implications for Council include general matters related to rate income, asset maintenance and renewal and responding to future building applications. No specific implications for Council have been identified.

4. Relevant Background and Past Applications

- 4.1. The applicant has granted Glamorgan Spring Bay Council an extension of time of 15 days to the statutory period referred to in Section 57 of the Act.

5. Site Detail

- 5.1. The site is located at 15 Walters Drive, Orford. The site is within the General Residential Zone of the *Glamorgan Spring Bay Interim Planning Scheme 2015*.



Figure 1: Aerial photograph of subject site.

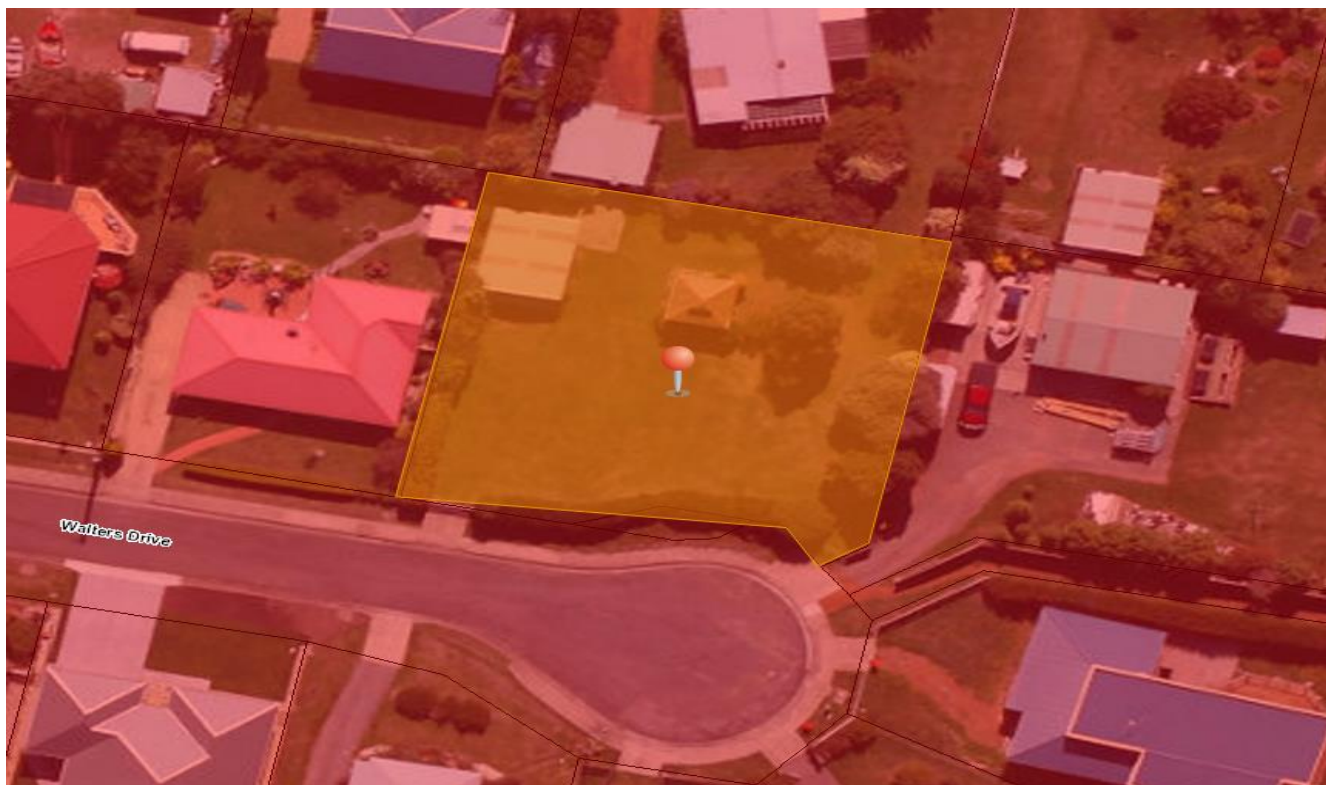


Figure 2: Zoning of subject site. Red denotes the General Residential Zone.



Figure 3: Codes that impact the subject site. The area highlighted denotes the Medium Hazard Inundation Area, as per the Glamorgan Spring Bay Interim Planning Scheme 2015.



Figure 4: Codes that impact the subject site. The area highlighted denotes the Low Hazard Inundation Area, as per the Glamorgan Spring Bay Interim Planning Scheme 2015.



Figure 5: The subject site, looking generally north-west. The photograph depicts the existing outbuilding and gazebo at the site.



Figure 6: The subject site, looking generally north-east. The photograph depicts the existing gazebo at the site.

6. Proposal

- 6.1. Approval is sought for the development of a Single Dwelling and Addition to Outbuilding at 15 Walters Drive, Orford.
- 6.2. The proposed two storey dwelling includes two bedrooms, a bathroom, a laundry, a rumpus room and carport on the lower level. On the upper level, the proposed dwelling has two bedrooms, a bathroom, a kitchen, a dining room, and a living area, and deck.
- 6.3. The proposed dwelling (including the deck) measures 18.71 metres by 11.07 metres, and will be constructed to a maximum height of 6.53 metres above natural ground level.
- 6.4. The proposed dwelling (including the deck) will be located 5.50 metres from the southern boundary (or frontage) of the site, 3.00 metres from the eastern (or side) boundary of the site, and 4.60 metres from the northern (or rear) boundary of the site.
- 6.5. The applicant has also proposed to extend the existing 6.00 metre by 7.50 metre outbuilding on the site, by constructing a 6.00 metre by 6.00 metre carport extension. This will bring the overall dimensions of the proposed outbuilding to 6.00 metres by 13.50 metres. The proposed outbuilding will be located 1.05 metres from the western (or side) boundary of the site, and will be constructed to a maximum height of 3.08 metres above natural ground level.

7. Assessment against planning scheme provisions

- 7.1. The following provisions are relevant to the proposed use and development;
 - Section 10.0 – General Residential Zone
 - Section E5.0 – Road and Railway Assets Code
 - Section E6.0 – Parking and Access Code
 - Section E7.0 – Stormwater Management Code
 - Section E15.0 – Inundation Prone Areas Code
- 7.2. The *Glamorgan Spring Bay Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.

7.3. The following discretions are invoked:

		Requirement	Proposed
1	Setbacks and Building Envelope for All Dwellings	<p>Section 10.4.2.A3 states:</p> <p><i>A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must:</i></p> <ul style="list-style-type: none"> a) <i>be contained within a building envelope determined by:</i> <ul style="list-style-type: none"> i. <i>a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and</i> ii. <i>projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and</i> b) <i>only have a setback within 1.5 m of a side boundary if the dwelling:</i> <ul style="list-style-type: none"> i. <i>does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or</i> ii. <i>does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).</i> 	<p>The applicant has proposed extending the existing garage to include a carport. The proposed extension will measure 6.00 metres by 6.00 metres, bringing the overall dimension of the building to 13.50 metres by 6.00 metres. The outbuilding will be setback 1.05 metres from the side boundary of the site.</p> <p>Furthermore, a small portion of the balustrade of the proposed deck will be located outside the permitted building envelope.</p>
2	Surface Treatment of Parking Areas	<p>Section E6.7.6.A1 states:</p> <p><i>Parking spaces and vehicle circulation roadways must be in accordance with all of the following;</i></p> <ul style="list-style-type: none"> a) <i>paved or treated with a durable all-weather</i> 	<p>The applicant has proposed that the driveway will be constructed of 'grass-cel' porous turf paving, overlaid with gravel or turf.</p>

		<p><i>pavement where within 75m of a property boundary or a sealed roadway;</i></p> <p><i>b) drained to an approved stormwater system,</i></p> <p><i>unless the road from which access is provided to the property is unsealed.</i></p>	
3	Coastal Inundation Medium Hazard Areas	<p>Section E15.7.2.A1 states:</p> <p><i>For a new habitable building there is no Acceptable Solution.</i></p>	The applicant has proposed a new habitable building within the Coastal Inundation Medium Hazard Area.

7.3.1. Discretion 1 – Setback and Building Envelope for All Dwellings

7.3.1.1. The proposed development does not comply with the Acceptable Solution in Section 10.4.2.A3. As such, the application is discretionary, and must be assessed against the applicable Performance Criteria.

7.3.1.2. Section 10.4.2.P3 states:

The siting and scale of a dwelling must:

a) not cause unreasonable loss of amenity by:

- i. reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or*
- ii. overshadowing the private open space of a dwelling on an adjoining lot; or*
- iii. overshadowing of an adjoining vacant lot; or*
- iv. visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and*

b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

7.3.1.3. The applicant has proposed that the 6.00 metre by 13.50 metre outbuilding will be setback 1.05 metres from the western boundary. The location of the outbuilding in relation to the western boundary will not cause an unreasonable loss of amenity to the occupants of an adjoining lot. Furthermore, the separation between dwellings is not inconsistent with those prevailing in the area.

7.3.1.4. The proposed development is considered to satisfy the Performance Criteria in Section 10.4.2.P3.

7.3.2. Discretion 2 – Surface Treatment of Parking Areas

7.3.2.1. The proposed development does not satisfy the Acceptable Solution in Section E6.7.6.A1. As such, the application is discretionary and must be assessed against the relevant Performance Criteria.

7.3.2.2. Section E6.7.6.P1 states:

Parking spaces and vehicle circulation roadways must not unreasonably detract from the amenity of users, adjoining occupiers or the quality of the environment through dust or mud generation or sediment transport, having regard to all of the following:

- a) the suitability of the surface treatment;*
- b) the characteristics of the use or development;*
- c) measures to mitigate mud or dust generation or sediment transport.*

7.3.2.3. The applicant has proposed that the driveway will be constructed of 'grass-cel' porous turf paving, overlaid with gravel or turf.

7.3.2.4. The proposed surface treatment is considered acceptable, and is generally consistent with other surface treatments prevailing in the area. The proposed development is expected to have vehicle movements that are consistent with a residential property. Furthermore, the property has a concrete crossover, which will assist in mitigating sediment transfer on to Council's road reserve.

7.3.2.5. As such, the proposed development is considered to satisfy the relevant Performance Criteria.

7.3.3. *Discretion 3 – Coastal Inundation Medium Hazard Areas*

7.3.3.1. The proposed habitable building does not satisfy the Acceptable Solution in Section E15.7.2.A1. As such, the application is discretionary and must be assessed against the relevant Performance Criteria.

7.3.3.2. Section E15.7.2.P1 states:

A new habitable building must satisfy all of the following:

- a) floor level of habitable rooms must be no lower than the Minimum Level for the Coastal Inundation Low Hazard Area in Table E15.1;*
- b) risk to users of the site, adjoining or nearby land is acceptable;*
- c) risk to adjoining or nearby property or public infrastructure is acceptable;*
- d) risk to buildings and other works arising from wave run-up is adequately mitigated through siting, structural or design methods;*
- e) need for future remediation works is minimised;*
- f) access to the site will not be lost or substantially compromised by expected future sea level rise either on or off-site;*
- g) provision of any developer contribution required pursuant to policy adopted by Council for coastal protection works;*

except if it is development dependent on a coastal location.

7.3.3.3. The floor level of the habitable rooms on the lower level of the proposed

dwelling is approximately 2.70 AHD. This is higher than the Minimum Level for the Coastal Inundation Low Hazard Area in Table E15.1, which is referred to in Section E15.7.2.P1(a). The minimum level for the Coastal Inundation Low Hazard Area is 2.20 AHD for Orford.

- 7.3.3.4. In relation to inundation, the proposed development is unlikely to create a significant risk to users or occupants of the site or of adjoining or nearby property. Furthermore, the development is unlikely to cause a significant risk to adjoining or nearby property or public infrastructure.
- 7.3.3.5. It is highly unlikely that the proposed development will generate a need for future remediation works. It is also highly unlikely that access to the site will be impeded in the event of predicted future sea level rise. Council does not have a policy relating to coastal protection works, requiring developers to make a financial contribution towards such works.
- 7.3.3.6. As such, the proposed development is considered to satisfy the relevant Performance Criteria in Section E15.7.2.P1.

8. Discussion

- 8.1. The Acceptable Solution in Section E15.7.3.A3 refers to outbuildings within the Coastal Inundation Low Hazard Area. The Acceptable Solution states:

A non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, must have a floor area no more than 60 m².

- 8.2. The application proposes an extension to the existing outbuilding at 15 Walters Drive, Orford. The proposed extension is a 6.00 metre by 6.00 metre open carport, as shown on the submitted plans.
- 8.3. 'Floor area' is not defined within the Interpretation, found in Section 4.0 of the *Glamorgan Spring Bay Interim Planning Scheme 2015*. However, 'gross floor area' is defined. The definition of 'gross floor area' in Section 4.0 is:

The total floor area of the building measured from the outside of the external walls or the centre of a common wall.

- 8.4. An open carport does not have any walls. As such, it is interpreted that an open carport does not have a floor area, per se. As a result, the Acceptable Solution in Section E15.7.3.A3 does not apply to this application.

9. Referrals

- 9.1. TasWater

9.1.1. Please refer to TasWater's Submission to Planning Authority Notice, TasWater Ref No TWDA 2015/01666-GSB, dated 21 October 2015, as attached to the report.

- 9.2. Council's Technical Officer

9.2.1. The application was referred to Council's Technical Officer, who has recommended that conditions and advice be included on the permit.

10. Concerns raised by representors

10.1. The following table outlines the issues raised by the representors.

Issue	Response
<i>It is our concern that the proximity of the proposed house and decks to our rear corner boundaries and our only outdoor private open space will be compromised by the development. This is due to the deck area being in a position to look down and over the top of this private space.</i>	The proposed development satisfies the Acceptable Solutions in Section 10.4.6.A1 and Section 10.4.6.A2 for Privacy. This is not a discretionary matter.
<i>We believe that relocating the proposed house on the lot would greatly improve our privacy. We use our private outdoor space significantly all year.</i>	
<i>The proposed location will directly impact our private space. The top floor of the house and balcony will directly look into our property. The top floor also contains the living areas, meaning that part of the house will be used day and night, increasing the impact to us. I request screening be conditioned for on the permit, including the planting of trees along the fence line or angled shutters on windows.</i>	
<i>We believe the proposed two storey development will compromise the private open space of adjoining properties, resulting in reduced amenity.</i>	
<i>The proposed development does not meet the Performance Criteria in 10.4.6.P1 (a) and (c). The Acceptable Solutions in 10.4.6.A1 is not sufficient and does not provide real-world privacy.</i>	
<i>The character of the area is typically holiday and outdoor living focused. The character of coastal towns results in increased use of outdoor space than suburban neighbourhoods. The proposed design results in no private outdoor space on adjoining properties, and as a result, 10.4.6.A1 does not provide adequate privacy.</i>	

<p><i>The dwelling is two storeys. However, this will further impact upon the private outdoor space of adjoining lots. The 2100mm x 2400mm window provides no screening between properties, and the deck provides no privacy between sites. The topography of the land exacerbates this issue.</i></p>	
<p><i>I note a number of trees are proposed to be removed. A number of neighbours have voiced concerns. Before approval is given, I request a copy of a landscaping plan to help understand what impacts may arise.</i></p>	<p>Tree removal that has been proposed is shown on the submitted Site Analysis Plan (DWG Ref DOWNER-001).</p>

11. Conclusion

The proposed Single Dwelling and Addition to Outbuilding satisfies the relevant provisions of the *Glamorgan Spring Bay Interim Planning Scheme 2015*, as outlined in this report.

12. Recommendation

That:

- A. Pursuant to Section 57 of the Land Use Planning & Approvals Act 1993 and the Glamorgan Spring Bay Interim Planning Scheme 2015, that the application for Single Dwelling and Addition to Outbuilding in the General Residential Zone at 15 Walters Drive, Orford (DA 2015/00190) be APPROVED subject to the following conditions:**

General

1. The use and development must be substantially in accordance with the documents and drawings that comprise the Planning Application No. DA 2015/00190, except where modified below.
2. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this notification or the date of the last notification to any representor, whichever is later, in accordance with section 53 of the Land Use Planning And Approvals Act 1993.

TasWater

3. The use and development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2015/01666-DVC, dated 21 October 2015, as attached to the permit.

Amenity

4. All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the General Manager.

Parking and Access

5. The internal driveways must be constructed, drained and paved to the standard required by Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and to the satisfaction of Council's General Manager.

6. The areas set-aside for parking and associated access and turning must include: -
 - a) An all-weather pavement constructed and surfaced to the satisfaction of the Council's General Manager.
 - b) Stormwater drainage to the satisfaction of the Council's General Manager.
7. The internal driveways must be designed and constructed to avoid erosion and sediment transfer off site or de-stabilisation of the soil on site or on adjacent properties to the standard required by Council's General Manager.

Services

8. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

Stormwater

9. All rainwater runoff from roof surfaces generated as a result of the development shall be collected and stored in tank(s) to provide a minimum capacity of 5,000 litres for dwelling for cold water laundry, toilet and on site use.
10. All stormwater run-off from impervious surfaces and storage tanks must be retained on site or drain to a legal discharge point to the satisfaction of Council's General Manager and in accordance with a Plumbing permit issued by the Permit Authority in accordance with the Building Act 2000. No stormwater run-off from the development is to be permitted to discharge to sewer or onto an adjoining allotment other than to a registered drainage easement in favour of the source allotment.

Soil and Water Management

11. Before any work commences install temporary run-off, erosion and sediment controls and maintain these at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's General Manager.

Construction Waste

12. The developer must provide a commercial skip for the storage of builders waste on site and arrange for the removal and disposal of the waste to an approved landfill site by private contract.

Construction Amenity

13. The development must only be carried out between the following hours unless otherwise approved by the Council's General Manager:

• Monday to Friday	7:00 a.m. to 6:00 p.m.
• Saturday	8:00 a.m. to 6:00 p.m.
• Sunday and State-wide public holidays	10:00 a.m. to 6:00 p.m.

14. All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
 - a) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
 - b) The transportation of materials, goods and commodities to and from the land.
 - c) Obstruction of any public footway or highway.
 - d) Appearance of any building, works or materials.
15. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's General Manager.
16. Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
17. The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's General Manager

B. The following advice be provided to the applicant

1. Please consult your private building surveyor to ascertain whether the development requires approval under the Building Act 2000. Where approval is required this is to be obtained from Council prior to the commencement of any works.
2. An application for a plumbing permit must be lodged in accordance with the Tasmanian Plumbing Code 2014 and Building Code of Australia (BCA) and a permit issued prior to the commencement of any plumbing work on the site.
3. Pursuant to Section 61 of the Land Use and Planning Approvals Act 1993, you may appeal against any of the conditions imposed on this approval by lodging with the Resource Management and Planning Appeal Tribunal, a notice of appeal, (telephone (03) 6233 6464). Any appeal is required by the Act to be instituted within fourteen days of the service of this approval on you.
4. Builders waste, other than of a quantity and size able to be enclosed within a standard 140 Litre mobile garbage bin, will not be accepted at Council's Waste Management Centres. All asbestos based waste must be disposed of in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC: 2002(1988). No material containing asbestos may be dumped at Council's Waste Management Centres.
5. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
6. The issue of this permit does not ensure compliance with the provisions of the Threatened Species Protection Act 1995 or the Commonwealth Environmental Protection and Biodiversity Protection Act 1999. The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Policy and Conservation Assessment Branch of the Department of Primary Industry, Water & Environment or the Commonwealth Minister for a permit.

7. Through the act of granting this permit the Glamorgan Spring Bay Council is not and is in no way to be construed as making any representation, providing any advice, issuing any guarantee or giving any assurance to any person or entity regarding the impact or potential impact of the effects of climate change on the proposed use and/or development or the subject land generally. It is the sole responsibility of the applicant and/or the land owner to investigate and satisfy themselves as to the impact or potential impact of the effects of climate change on the proposed use and/or development and the subject land generally.
8. The applicant is advised to contact Aurora Energy on 1300 137008 to ensure that the works do not impede on existing electricity easements and to ensure that proposed works are at a safe distance from powerlines.
9. Any hot water cylinder installed requires temperature delivery to comply with AS:NZ 3500 4.2 and vacuum breakers are to be fitted to garden taps.
10. A Certificate of Plumbing Compliance (Form 33) is to be completed by a registered plumber and submitted to the GSBC Permit Authority as part of the requisite plumbing permit application.
11. The applicant is advised to contact Private Forests Tasmania (03 62337640) to discuss alterations to the existing Private Timber Reserve boundary to exclude the area required for the dwelling.

Note: The applicants are referred to The Department of Primary Industries and Water report on Coastal Vulnerability at
<http://www.dpiw.tas.gov.au/inter.nsf/WebPages/PMAS-6RG5WX?open>
12. In the event that any suspected Aboriginal cultural material is inadvertently encountered during surface or sub surface disturbances associated with development of the site, then the activity creating the disturbance should cease immediately, and the TALC (ph. 62310288) and the Manager Aboriginal Heritage Section at DTPHA in Hobart (ph 62333927) should be informed to enable further assessment of the situation.
13. This permit is valid for two (2) years only from the date it takes effect and will lapse if substantial commencement of the use or development does not take place within that time.

Submission to Planning Authority Notice

Council Planning Permit No.	DA 2015 / 00190		Council notice date	20/10/2015
TasWater details				
TasWater Reference No.	TWDA 2015/01666-GSB		Date of response	21/10/2015
TasWater Contact	Amanda Craig	Phone No.	03) 6345 6318	
Response issued to				
Council name	GLAMORGAN/SPRING BAY			
Contact details	admin@freycinet.tas.gov.au			
Development details				
Address	15 WALTERS DR, ORFORD		Property ID (PID)	3292061
Description of development	New dwelling, deck & carport			
Schedule of drawings/documents				
Prepared by	Drawing/document No.	Revision No.	Date of Issue	
Smeeke Drafting Pty Ltd	Site Plan	1	28/09/2015	
Conditions				
Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:				
CONNECTIONS, METERING & BACKFLOW				
<ol style="list-style-type: none"> 1. A suitably sized water supply with metered connection / sewerage system and connection for this 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. 				
DEVELOPMENT ASSESSMENT FEES				
<ol style="list-style-type: none"> 3. The applicant or landowner as the case may be, must pay a development assessment fee to TasWater for this proposal of \$197.00 for development assessment as approved by the Economic Regulator and the fees will be indexed as approved by the Economic Regulator from the date of the Submission to Planning Authority Notice for the development assessment fee, until the date they are paid to TasWater. Payment is required within 30 days from the date of the invoice. 				
Advice				
<p>For information on TasWater development standards, please visit http://www.taswater.com.au/Development/Development-Standards</p> <p>For information regarding assessment fees and other miscellaneous fees, please visit http://www.taswater.com.au/Development/Fees---Charges</p> <p>For application forms please visit http://www.taswater.com.au/Development/Forms</p> <p>The developer is responsible for arranging to locate existing TasWater infrastructure and clearly showing it on any drawings. Existing TasWater infrastructure may be located by TasWater (call 136 992) on site at the developer's cost, alternatively a surveyor and/or a private contractor may be engaged at the developers cost to locate the infrastructure.</p>				



Declaration

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

Authorised by



Jason Taylor
Development Assessment Manager

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2.2 DA15240 – Relocation and Stabilisation of Prosser River Mouth and Construction of Two Geo-Textile Bag Training Walls

Planning Assessment Report

Proposal:	Relocation and stabilisation of Prosser river mouth and construction of two geo-textile bag training walls
Applicant:	Marine and Safety Tasmania (MAST)
Location:	Prosser River (no title), Millingtons Beach Conservation Area (PID 7121841), Raspins Beach
Planning Document:	Glamorgan Spring Bay Interim Planning Scheme 2015 (Interim Scheme)
Zoning:	Environmental Management Zone & Open Space Zone
Application Date:	12 January 2016
Statutory Date:	4 March 2016 (by agreement)
Discretions:	Discretionary Use (Open Space Zone) (19.3.5 A1) Pleasure Boat Facility (29.2) Use not consistent with Reserve Management Plan (29.3.1 A1) Design (location) (29.4.3 A1) Excavation (29.4.3 A3) Works within WCPA (E11.7.1 A1) Dependent on coastal location (E11.7.2 A1) Dredging (E11.7.2 A2) Dredging (E15.7.6 A2) Works (E16.7.1 A1) Dependent on coastal location (E16.7.2 A1) Dredging (E16.7.2 A2)
Attachments:	Appendix A – Plans Appendix B – List of application documents (available on request)
Author:	David Allingham, Contract Planner

13. Executive Summary

- 13.1. Planning approval is sought for the relocation and stabilisation of the Prosser River mouth and construction of two geo-textile bag retaining walls. The proposal should ensure boat access to the Prosser River and provide ongoing stability.
- 13.2. The application is discretionary due to use and reliance on a number of different performance criteria.
- 13.3. Given the range of issues inherent in this proposal and the involvement of several agencies, including Council, it is important when considering this development

application that the Planning Authority bear in mind that it can only consider the proposal put before it, not hypothetical other options.

- 13.4. Similar to 1.4 above, broader strategic issues or concerns of Councillors, such as financial risk or potential conflict with other council projects, are not relevant to this assessment. This is an assessment for planning approval and must legally only relate to the requirements of the Interim Planning Scheme.
- 13.5. 41 statutory representations were received. 33 representations supported the proposal and 8 objected to it or raised serious concerns with it.
- 13.6. The supporting documentation for the application at times appears confused, with elements that could be more thorough or consistent. However, the information submitted is considered sufficient to assess the proposal as a "Pleasure Boat Facility" against the relevant sections of the Scheme, as always subject to some matters being addressed via permit conditions.
- 13.7. Claims by the applicant and counter-claims by representors have been made regarding the primary purpose of the development, which have been addressed primarily in Section 4 of this report. However, by means of conclusion on this issue, the main assessment focus must be the actual development itself and the potential impacts of this development, with reference to the relevant provisions of the Scheme. Council's Planning Consultants conclude that the primary purpose of the development best fits the "Pleasure Boat Facility" use class.
- 13.8. The impact on listed bird species, especially the fairy tern, has emerged as a major issue for several of the objectors, including Birdlife Tasmania. A condition of permit requiring referral of the proposal to the Commonwealth pursuant to the EPBC Act and the matter to be resolved prior to construction is considered to be the appropriate course of action for addressing this concern. Correspondence with Department suggests that 'self-assessment' is reasonable but that it is also reasonable to refer a matter where there is doubt or concern. Given Council have received differing opinions on this matter, it is considered prudent to refer the matter.
- 13.9. Other key potential impacts and concerns, such as ongoing maintenance and monitoring of the river and Raspins beach, can be addressed by permit conditions.
- 13.10. Whilst elements of the application have generated some confusion and concern, the project itself, facilitating boat access to the Prosser River, is not considered unreasonable, subject to the additional requirements and conditions provided for in the proposed planning permit.
- 13.11. In summary, the proposed application for the relocation and stabilisation of the Prosser River mouth and the construction of two geo-textile bag training walls satisfies the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 as outlined in this report and is therefore recommended for conditional approval.

14. Legislative & Policy Content

- 14.1. The purpose of this report is to enable the Planning Authority to determine application DA 2015 / 00240.
- 14.2. This determination must be made no later than 4 March 2016, which has been extended beyond the normal statutory timeframe with the consent of the applicant.
- 14.3. The relevant legislation is the Land Use Planning and Approvals Act 1993 (LUPAA). The provisions of LUPAA require a planning authority to take all

reasonable steps to ensure compliance with the planning scheme.

- 14.4. This report details the reasons for the officer recommendation. The Planning Authority must consider this report but is not bound to adopt the recommendation. Broadly, the Planning Authority can either: (1) adopt the recommendation, or (2) vary the recommendation by adding, modifying or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the Judicial Review Act 2000 and the Local Government (Meeting Procedures) Regulations 2005.
- 14.5. This report has been prepared with appropriate regard to the State Policies that apply under the State Policies and Projects Act 1993.
- 14.6. This report has been prepared with appropriate regard to Council's Strategic Plan and other Council policies, and the application is not found to be inconsistent with these. Nevertheless, it must be recognised that the planning scheme is a regulatory document that provides the overriding consideration for this application. Matters of policy and strategy are primarily a matter for preparing or amending the planning scheme.

15. Risk & Implications

- 15.1. Implications for Council include general matters related to rate income, ongoing asset maintenance and renewal and responding to future building applications. No specific implications for Council have been identified.

16. Site Detail

- 16.1. The subject site is located at the entrance of the Prosser River and includes Millington's Beach Conservation Area and Raspins Beach Public Reserve (See Figure 1). There are no certificates of title for this land which is owned and managed by Parks and Wildlife Service (PWS) and Crown Land Services (CLS). Land owners consent has been obtained for the proposal.
- 16.2. The study area covers 34.7 ha and is situated either side of the mouth of the Prosser River with narrow strips of native vegetation to the north of the river, a sand spit to the south of Raspins Beach separated by a backwater, and the Millington's Beach Conservation peninsular dominated by Radiata Pines to the south of the mouth adjacent to Millingtons Beach. The mouth of the Prosser River is a dynamic system with the configuration of the sand bars and spit having been shaped by floods and storms, and a history of periodic dredging.
- 16.3. The river has also been influenced by human activities to attempt to manage and control the extent of sediment changes including:
 - Improvement to navigation for vessel access;
 - Management of backwater flows and water quality; and
 - Management of erosion and sand losses on Millingtons Beach and Raspins Beach.
- 16.4. Currently, the river mouth is located between sand spits and bends back round on itself towards Millington Beach and a backwater has been created in front of homes along the northern shore. Vessel access to the Prosser River is currently limited due to the location and depth of the river mouth.
- 16.5. To the east of the Tasman Highway Bridge over the Prosser, there are a number of private jetties and moorings and a recently installed boat ramp. The main

commercial area of Orford is situated on the Esplanade to the south of the River. On the northern side of the Prosser River are residential lots on the southern side of the Tasman Highway.

- 16.6. The study area supports two threatened vegetation communities under the Nature Conservation Act 2002. The first of these is *Eucalyptus globulus* dry forest and woodland (DGL) which is located along a small strip of the northern bank of the Prosser River. The second is DVC - *Eucalyptus viminalis* – *E. globulus* coastal forest and woodland located along the foreshore to the north of the backwater and between the radiata pines and houses behind Millington's Beach.
- 16.7. One threatened flora species listed under the *Threatened Species Protection Act 1995* (TSP) was identified within the DGL community - *Cynoglossum australe* Coast Houndstongue.
- 16.8. The study area provides known and potential habitat for a number of threatened fauna species including:
- Nesting habitat for a breeding population of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and TSP Act listed Fairy Tern
 - Nesting and foraging habitat for the resident EPBC Act listed Hooded Plover
 - Foraging habitat for threatened migratory shorebirds including the EPBC Act listed Eastern Curlew and Curlew Sandpiper
 - Potential breeding and foraging habitat for the EPBC Act listed Swift Parrot
 - Potential foraging habitat for additional EPBC Act and TSP Act listed species including:
 - Spot-tailed Quoll
 - Eastern Barred Bandicoot
 - Tasmanian Devil
 - Tasmanian Wedge-tailed Eagle
 - White-bellied Sea-Eagle
 - Forty-spotted Pardalote.
- 16.9. The majority of land based area within the Study Area is zoned Open Space, except for some of the sand spit area which falls within the Environmental Management Zone. The marine environment falls predominantly within the Environmental Management Zone. The Biodiversity Code applies on a small area around the northern spit in relation to the DGL population. However, it has been determined that the population is not present in the study area and therefore the Code does not apply.
- 16.10. The Waterway and Coastal Protection Area applies to the majority of the Prosser River and spit areas. The Coastal Inundation Hazard Area applies to all land within the Subject Area and to properties to the north of the Prosser River. Similarly, the Coastal Erosion Hazard Code applies to these areas.



Figure 1: An aerial photograph of the subject area.

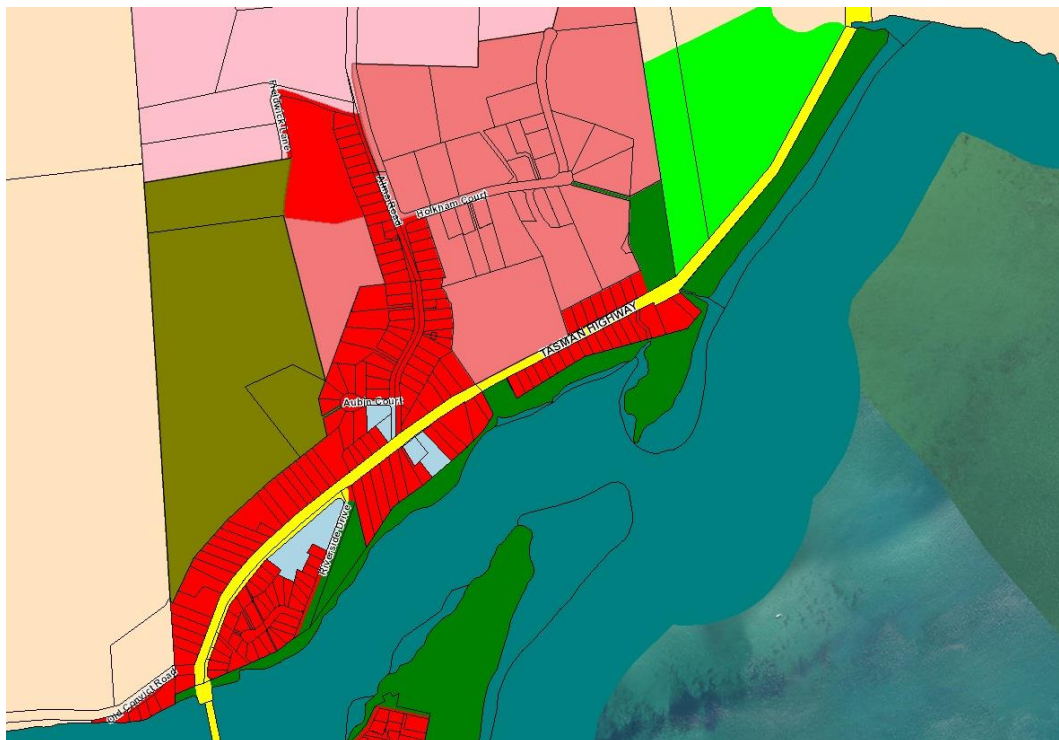


Figure 2. Aerial imagery showing zoning. The dark green is the Open Space Zone and the blue-green is the Environmental Management Zone. The red is the General Residential.

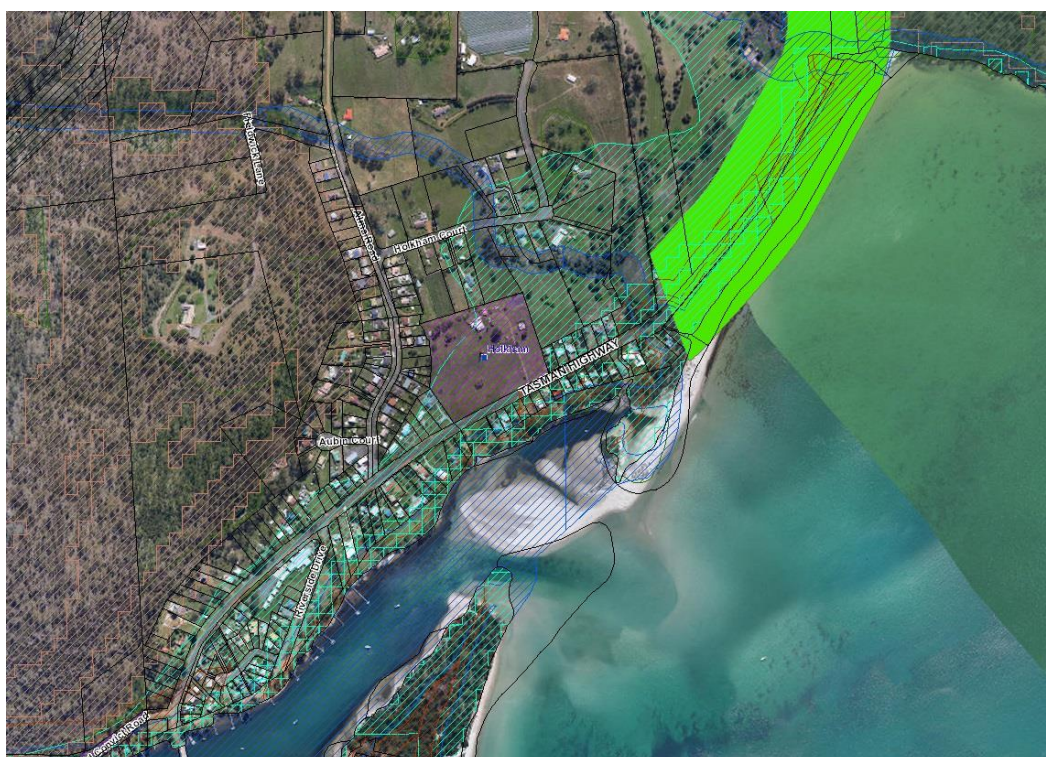


Figure 3. Aerial imagery showing overlays. The hatched red is the Coastal Erosion Hazard Overlay, the hatched light blue is the Inundation Prone Areas overlay, the dark blue is the Waterway and Coastal Protection overlay, the hatched green is the Biodiversity overlay and the solid green is the Scenic Landscape Corridor overlay.

17. Proposal

- 17.1. The proposal is to stabilise the Prosser River entrance through relocation of the channel alignment northwards through excavation and dredging, installation of geo-fabric mega containers (geobags) filled with sand to form training walls, and transfer of sand to fill the existing channel and from the existing spit to Raspins Beach in accordance with the concept shown in Figure 4 below.
- 17.2. The training walls are to be constructed with geobags containers; 20m long, 4.5m wide and 2.5m high. Sand that needs to be excavated for the new channel will be used to fill the geo-bags. Once filled with sand the geo-bags will weigh up to 200 Tonnes each.

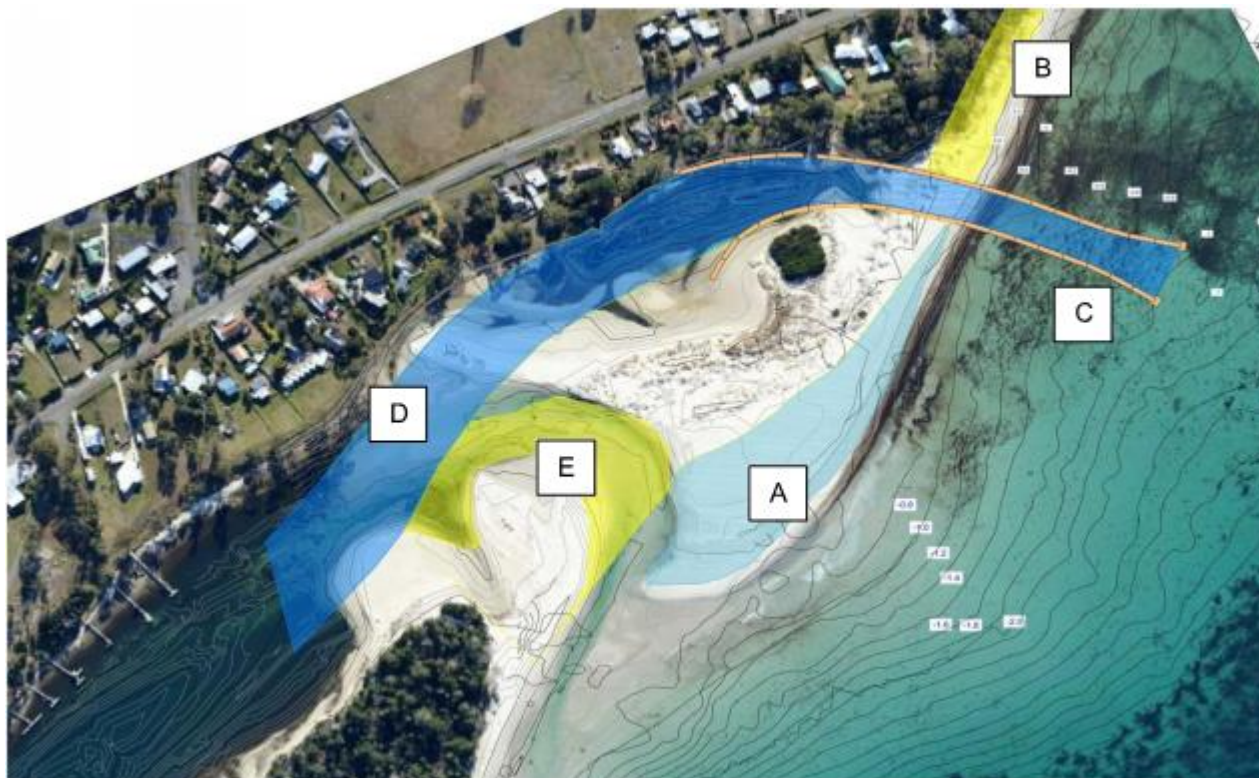


Figure 4: Proposed layout

- 17.3. The key features of the design include:
- Zone (A): excavation of recent accreted sands and place along Raspins Beach Zone (B) to increase the beach storage of sand for protection in storm events;
 - Construct training walls (C) at new entrance to deep water and back to stable shoreline (existing north bank training wall and within a stable zone on the southern spit);
 - Excavation of the channel through the backwater (D) to form the revised river alignment; and
 - Transfer of sands from (D) and (A) to (E) to close the existing river entrance thus facilitating all tidal and environmental flows through the training walls (C).
- 17.4. The Burbury Consulting Prosser River Stabilisation - Design Basis Report (DBR) outlines the following further features of the proposal:

- *Retains stability of the river mouth;*
- *Protects shoreline to Raspins Beach by training the flows straight offshore;*
- *Sand will accumulate on southern wall during south to north longshore sedimentation (wave action driven) and on the northern walls during north to south action;*
- *Will maintain environmental flows through entire river basin (no backwater);*
- *Will maintain a designated navigation channel improving boating safety;*
- *Improves river flows and water quality with improved flushing of stormwater discharges;*
- *Will retain form during peak flooding and allows direction of flooding to assist with flushing of outer barways to enhance infrastructure;*
- *Utilisation of geobags will retain sand in the local system and are efficient construction material for the site requiring minimal impacts (plant, vehicles or introduced large quantity of materials);*
- *Will require ongoing dredging as required in low rainfall periods;*

Whilst the historical alignment of the river has impacted on the erosion and accretion of sand on both Raspins and Millingtons Beaches the training walls will not stop the impact of wave erosion on to these beaches (as occurs currently). Additional groynes may need to be considered to stabilise and reduce the risk of wave erosion however natural renourishment or artificial renourishment are existing mitigation measures that would be required if these conditions are encountered.

A large number of background investigations and studies have informed the proposal including:

- *review of previous river mouth and coastal process studies;*
- *review of previous dredging works and management practices at the site;*
- *analysis of historical aerial photography;*
- *geotechnical and bathymetric surveys; and*
- *wave climate and storm water flows.*

The river has been re-diverted on several previous occasions. This has involved digging a new entrance close to Millington's beach and was undertaken on coastal engineering advice after the river mouth had propagated too far to the north and the Raspins' Beach shoreline was receding as a result.

Similarly, ad-hoc dredging on a needs basis has also been undertaken to improve vessel access into the Prosser River. This has merely been a short-term fix that has required further dredging.

The proposed walls will be built where the river was located in the early-2000's. This is where the backwater is currently located.

The growth of the sand area on the southern side of the mouth will provide the opportunity to transfer sand across to the northern side of the river mouth, should Raspins Beach require renourishment.

- 17.5. The DBR modelling assesses the potential requirement for sand removal and transfer. The Planning Report prepared by All Urban Planning states:

Should Raspins Beach require replenishment, there will be accumulated sand on Millingtons Beach to transfer to Raspins Beach. Sand transfer will be managed by Council and survey points will be established at the completion of the stabilisation works for the Council to use as a guide in determining the need to transfer sand. These points will be positioned in such a location as to give adequate warning to replenish the beach long before any erosion becomes an issue.

- 17.6. A Marine Ecological Impact Assessment (Marine EIA) prepared by Marine Solutions Pty Ltd was undertaken for the project which determined that there would be no significant impact on the marine environment.
- 17.7. A Flora and Fauna Habitat Assessment prepared by Biosis (Biosis Report) indicates that there will be an impact on the nesting area of the shorebirds, including the Fairy Tern. The report does not consider the population to be significant enough to warrant a referral under the EPBC Act and that the impact on the species acceptable if certain mitigation measures are implemented.
- 17.8. The application is supported by the DBR, Marine EIA, Biosis Report, Planning Report, referral to Aboriginal Heritage Tasmania, and Draft Reserve Activity Assessment (RAA). It should be noted that the Draft RAA has not yet been approved by the Department of Parks and Wildlife Services.

18. Use Class

- 18.1. Under Clauses 8.2.1 and 8.2.4 of the Planning Scheme, use or development must be categorised into one of the use classes in table 8.2. If the development does not readily fit any use class it must be categorised into the most "similar" use class.

- 18.2. The Planning Report puts forth that :

"...the primary purpose of the development is to stabilise the river entrance. The proposal would have a secondary benefit of improving the safety and navigability of the Prosser bar way."

- 18.3. The Planning Report assesses the proposal as "Natural and Cultural Values Management" as the most similar use class:

use of land to protect, conserve or manage ecological systems, habitat, species, cultural sites or landscapes.

- 18.4. Defining the proposed use as "Natural and Cultural Values" is contested by Council's NRM staff for the following reasons:

- The proposed river mouth alignment will impact a shorebird nesting area which includes a species listed as threatened under State and Federal legislation. This is not consistent with "conserve and manage ecological systems, habitat, species".

- The proposal claims that it will stabilise the river entrance to protect the Tasman Highway and properties to the north of the river from erosion and damage. However, the threat to these assets is not detailed; the level of protection is unsubstantiated; no other alternatives (such as alternatives that do not provide boat access) were proposed.
- No evidence to support the claim that there are water quality issues in the river or the backwater has been provided. The backwater has been identified by Council NRM staff as a feeding ground for threatened bird species.
- The applicant for the project and the major financial contributor to the project is Marine and Safety Tasmania (MAST) which is a statutory authority established to “ensure the safe operation of vessels (recreational and commercial), provide and manage marine facilities and manage environmental issues relating to vessels”. Undertaking the lead on a project for Natural and Cultural Values would appear inconsistent with the authority’s core functions.

18.5. Council’s planning consultants also agree that the primary purpose of the proposal is to improve the safety and navigability of the Prosser bar way for boat users. In contrast to the opinion expressed in the submitted Planning Reports, it is considered that any environmental and asset protection benefits of the project are secondary to boat access. As such, the most applicable/similar use class is “Pleasure Boat Facility”:

use of land to provide facilities for boats operated primarily for pleasure or recreation, including boats operated commercially for pleasure or recreation. An example is a marina.

Council has received legal advice that is consistent with this approach.

18.6. However, the Planning Reports submitted did foresee this issue (it is not always easy to determine use categories for uncommon developments) and provided assessment of the proposal according to both potential use classes.

19. Assessment against planning scheme provisions

19.1. The following provisions are relevant to the proposed use and development;

- 19.0 – Open Space Zone
- 29.0 – Environmental Management Zone
- Code E10.0 – Biodiversity Code
- Code E11.0 – Waterway and Coastal Protection Code
- Code E15.0 Inundation Prone Areas Code
- Code E16.0 Coastal Erosion Hazard Code

19.2. The following discretions are invoked:

		Requirement	Proposed
1	Discretionary Use – Pleasure Boat Facility within the Open Space Zone (19.2 &)	Discretionary Use to be consistent with Zone purpose	Discussed below.
2	Discretionary Use standards in Open Space Zone (19.3.5 A1)	No Acceptable Solution	New boating channel
3	Discretionary Use – Pleasure Boat Facility within the Environmental Management Zone (29.2)	Discretionary use (without Reserve Management Plan) to be consistent with Zone purpose	Discussed below.
4	Use not consistent with Reserve Management Plan (29.3.1 A1)	Use is undertaken in accordance with a Reserve Management Plan	Use is not undertaken in accordance with a Reserve Management Plan.
5	Design (location) (29.4.3 A1)	Acceptable Solution requires no vegetation clearing, building within a defined building area and compliance with a Reserve Management Plan.	Some native vegetation clearing and development not prescribed in a Reserve Management Plan
6	Excavation (29.4.3 A3)	Excavation does not alter natural ground level by more and 1 m and is confined to only areas required for building and vehicle access.	Channel depth to be a minimum of 1.5m.
7	Works within Waterway and Coastal Protection Area (E11.7.1 A1)	Building and works within a Waterway and Coastal Protection Area must be within a 'building area' on a plan of subdivision approved under this planning scheme.	Works are not within a building area.
8	Dependent on coastal location (E11.7.2 A1)	Extension to existing marine/coastal facilities must be no more than 20 per cent under the acceptable solution	New coastal works.
9	Dredging (E11.7.2 A2)	No Acceptable Solution	Dredging proposed
10	Dredging (E15.7.6 A2)	No Acceptable Solution	Dredging proposed.
11	Works within Coastal Erosion Hazard area (E16.7.1 A1)	No Acceptable Solution	Works are within the Coastal Erosion Hazard Area (high)
12	Dependent on coastal location (E16.7.2 A1)	Extension to existing marine/coastal facilities must be no more than 20 per cent under the acceptable solution	New coastal works
13	Dredging (E16.7.2 A2)	No Acceptable Solution	Dredging proposed.

19.2.1. Discretion 1 and 2 – Discretionary Use within Open Space Zone

19.2.1.1. The Use Table for the Open Space Zone under Clause 19.2 stipulates that a Pleasure Boat Facility is a discretionary use.

19.2.1.2. The Zone Purpose for the Open Space Zone is as follows:

19.1.1.1 To provide land for open space purposes including for passive recreation and natural or landscape amenity.

19.1.1.2 To encourage open space networks that are linked through the provision of walking and cycle trails.

Furthermore, Clause 19.3.5 does not contain an Acceptable Solution, as it applies only to discretionary uses. The Performance Criteria requires that discretionary use “*must complement and enhance the use of the land for recreational purposes by providing for facilities and services that augment and support Permitted use or No Permit Required use*”.

The proposal is effectively cutting through a zone that relates to land based activity for the purposes of providing a river channel for marine vessel movement. However, the proposal provides for recreational activity and better links the Prosser River to Spring Bay for recreational purposes.

19.2.1.3. The proposal is considered to satisfy the Performance Criteria with conditions.

19.2.2. Discretion 3 and 4 – Discretionary Use within the Environmental Management Zone

19.2.2.1. The Use Table for the Environmental Management Zone under Clause 29.2 stipulates that a Pleasure Boat Facility is a discretionary use if not part of a Reserve Management Plan.

19.2.2.2. The Zone Purpose for the Environmental Management Zone is as follows:

29.1.1.1 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.

29.1.1.2 To only allow for complementary use or development where consistent with any strategies for protection and management.

29.1.1.3 To facilitate passive recreational opportunities which are consistent with the protection of natural values in bushland and foreshore areas.

29.1.1.4 To recognise and protect highly significant natural values on private land.

29.1.1.5 To protect natural values in un-developed areas of the coast.

29.1.1.6 To recognise and protect reserved natural areas as great natural assets.

19.2.2.3. The proposal potentially threatens the habitat of the Fairy Tern which is an EPBC listed species. There are differing opinions on this matter between the supporting reports from the applicants and several of the objectors including Birdlife Tasmania. The application was referred to Council's NRM Manager who has concerns and believes the matter should be referred. The Department of Environment state that self-assessment is acceptable but where there is doubt a referral is reasonable. The proposal should be referred under the EPBC Act to ensure compliance with 29.1.1.1. A condition to this effect is recommended to be included for any permit granted.

19.2.2.4. Clause 29.3.1 stipulates that on reserved land a use must be in accordance with a Reserve Management Plan, otherwise it must satisfy the Performance Criteria. A Reserve Management Plan means: "a management plan prepared under the National Parks and Reserves Management Act 2002, the Wellington Park Act 1993 or the Living Marine Resources Act 1995, or a plan of management prepared for an area reserved under the Crown Lands Act 1976." No such plan applies to the area and as such, the Performance Criteria must be addressed.

19.2.2.5. The Performance Criteria under Clause 29.3.1 states that the:

Use must satisfy all of the following:

(a) be complementary to the use of the reserved land;

(b) be consistent with any applicable objectives for management of reserved land provided by the National Parks and Reserves Management Act 2002;

(c) not have an unreasonable impact upon the amenity of the surrounding area through commercial vehicle movements, noise, lighting or other emissions that are unreasonable in their timing, duration or extent.

19.2.2.6. The application supporting documents provide sufficient evidence to show that the proposal will complement the use of the land and will not have an unreasonable impact on the amenity of the surrounding area. A draft Reserve Activity Assessment (RAA) was also included with the supporting documentation to demonstrate consistency with the objectives of the National Parks and Reserves Management Act 2002.

19.2.2.7. The evidence provided is considered reasonable and the proposal is considered to satisfy the Performance Criteria with conditions.

19.2.3. **Discretion 5 – Design**

19.2.3.1. Acceptable Solution for Clause 29.4.3 stipulates that:

The location of buildings and works must comply with any of the following:

(a) be located on a site that does not require the clearing of native vegetation and is not on a skyline or ridgeline;

(b) be located within a building area, if provided on the title;

(c) be an addition or alteration to an existing building;

(d) as prescribed in an applicable reserve management plan

The proposal requires some minor native vegetation clearing that does not comply with (b), (c) or (d) and as such the Performance Criteria must be satisfied.

- 19.2.3.2. The relevant sections of the Performance Criteria for 29.4.3 are reproduced below as follows:

The location of buildings and works must satisfy all of the following:

(a) be located in an area requiring the clearing of native vegetation only if:

(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope;

(ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures;

(iii) the location of clearing has the least environmental impact;

(c) have regard to the landscape.

- 19.2.3.3. The clearing of vegetation on the sand spit will be minimal and will not have a significant environmental impact given there are no flora species of significance located in the construction area. This is supported by the Flora and Fauna Habitat Assessment prepared by Biosis (Biosis Report). The assessment concludes that the proposed development will have minimal impact on vegetation subject to recommended conditions and construction management regimes. The recommendations of these reports should be reflected in planning permit conditions.

- 19.2.3.4. The proposed development is considered to satisfy the Performance Criteria with conditions.

19.2.4. **Discretion 6 – Excavation**

- 19.2.4.1. Clause 29.4.3 A3 stipulates that the depth of excavation must be no more than 1m below natural ground level other and the extent limited to the area required for building and vehicular access. The proposal does not comply and as such the Performance Criteria must be satisfied.

19.2.4.2. The Performance Criteria 29.4.3 P3 stipulates:

Fill and excavation must satisfy all of the following:

(a) there is no adverse impact on natural values;

(b) does not detract from the landscape character of the area;

(c) does not impact upon the privacy for adjoining properties;

(d) does not affect land stability on the lot or adjoining land.

19.2.4.3. The RAA, the Marine EIA and the Flora and Fauna Habitat Assessment all conclude that subject to appropriate conditions and works management procedures there will be minimal impact to natural values other than potentially to habitat of the Fairy Tern. As previously stated the impact on the Fairy Tern should be referred under the EPBC Act.

19.2.4.4. The proposal should not significantly detract from the character of the area. It will enhance the size of the sand spit to the south, arguably creating a stable habitat for shorebirds.

19.2.4.5. Privacy will not be significantly affected.

19.2.4.6. Issues of stability have been addressed in the engineering and design reports submitted as part of the application. An ancillary component of the project will be to improve overall stability of the area.

19.2.4.7. The proposal satisfies the Performance Criteria with conditions.

19.2.5. Discretion 7 – Works within Waterway and Coastal Protection Area (E11.7.1 A1)

19.2.5.1. The Acceptable Solution for Clause E11.7.1 stipulates works within the Waterway and Coastal Protection Area (WCPA) must be shown on a building area on a plan of subdivision approved under this Scheme meaning that almost any works in such areas are discretionary and must satisfy the Performance Criteria.

19.2.5.2. The Performance Criteria states that building and works within the WCPA must satisfy all of the following:

(a) avoid or mitigate impact on natural values;

(b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;

(c) avoid or mitigate impacts on riparian or littoral vegetation;

(d) maintain natural streambank and streambed condition, (where it exists);

(e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;

(f) avoid significantly impeding natural flow and drainage;

(g) maintain fish passage (where applicable);

(h) avoid landfilling of wetlands;

(i) works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.

19.2.5.3. In regards to (a). the Biosis Report submits that the key natural values of relevance to the project are the populations of shorebirds, particularly the Fairy Tern. Given the historically dynamic nature of the river mouth and highly variable locations of sand bars and spits at the mouth, the proposed design is not considered to result in a significant long-term loss in available nesting or foraging habitat for these species. By relocating the river channel to the north and filling in the channel at its current location, the existing spit will be joined to Millingtons Beach. This will provide a reasonable area of nesting and foraging habitat for shorebirds, but will also be more accessible by beach users and dog walkers. The Biosis Report recommends that this fencing and signage should be relocated to the southern side of the newly created spit to discourage the public from accessing the area during the breeding season on completion of the project. The Biosis Report further recommends that no construction works are to take place during the nesting season between 1 October and 31 March. It is recommended that a condition of any planning permit for the proposal require that the development be carried out in accordance with the recommendations of the Biosis Report. (a) is satisfied with conditions.

19.2.5.4. In regards to (b), the proposed river stabilisation will potentially stop erosion of parts of the sand spit and stabilise the area. The Marine EIA describes the Prosser River as a "slightly to moderately disturbed ecosystem" and that there will be "minimum environmental risk associated with disturbing sediments at the site." The Marine EIA also comments that the installation of training walls may change the shape of the river mouth and increase erosion in some areas and sand accretion in others. This will need to be monitored and maintained as part of an ongoing Maintenance Plan. Sedimentation is clearly going to be an issue during the construction process and a Construction Environmental Management Plan (CEMP) which addresses all potential environmental impacts of the project and outlines management requirements to mitigate these impacts. (b) is satisfied with conditions.

19.2.5.5. In regards to (c), there will be minimal native vegetation clearance and the impact will be negligible. (c) is satisfied.

- 19.2.5.6. In regards to (d) and (e), the Marine EIA identifies that *Heterozostera* seagrass beds were present both in the river and offshore of the river mouth of the time of study. The density of the seagrass growth was spatially variable, ranging from thick growth to discreet clumps interspersed with sand patches. Seagrass plays an important role in the ecosystem providing food and shelter to aquatic animals, oxygenation of the water, recycling of nutrients and stabilisation of sediments. It is likely that the construction of training walls will result in increased current velocities through the main channel of the river, which may increase scouring on the river bed and consequently change the interface between sand and seagrass in the river. The Marine EIA recommends “a thorough evaluation of the effects of any new structures on marine sediment transport is essential prior to development approval”. The applicant was requested to provide a response to this statement and the following response was supplied from Marine Solutions (authors of the Marine EIA):

On the scale of Prosser Bay this will not be a significant impact, and on the scale of the Prosser River it may have an impact over the short term, but is likely to reach an equilibrium with a similar area of suitable habitat available for seagrass colonisation – however this may take some time.

Seagrass beds are currently in an expansion phase in many areas, including the east coast, and thus the likelihood of seagrass successfully colonising after works are completed are quite high. This is consistent with the recolonization by seagrasses subsequent to previous dredging events at this location.

In summary, Seagrass is going to persist, but the areas it covers will be altered, and until some level of equilibrium is reached post completion of the works it is very difficult to say which areas will become suitable seagrass habitat, however the total area of habitat suitable for colonisation by seagrass will remain similar.

(d) and (e) are satisfied.

- 19.2.5.7. In regards to (f), it is clear throughout the various reports that flow will not be impeded, rather it will be improved with increasing velocities. (f) is satisfied.
- 19.2.5.8. In regards to (g), the Marine EIA does not identify the maintenance of fish passage to be an issue. (g) is satisfied.
- 19.2.5.9. In regards to (h), the study area is not considered to be a wetland. (h) is satisfied.
- 19.2.5.10. In regards to (i), the Design Basis Report recommends that a Design alignment and scope, Construction methodology, sequence and program and Construction controls and monitoring are undertaken. These further detailed design and investigations should be undertaken in accordance with the Manuals detailed in (i). A condition to this effect should be included on any planning permit.
- 19.2.5.11. It is considered, subject to recommendations and corresponding permit conditions, that the Criteria have been adequately satisfied.

19.2.6. **Discretion 8 – Dependent on coastal location (E11.7.2 A1)**

19.2.6.1. *It is not entirely clear if Acceptable Solution E11.7.2 A1 applies to this proposal or not, given this development is not exactly a “boat ramp, marina, jetty or slipway”. As such, it is considered prudent to assess the proposal against the relevant performance criteria.*

19.2.6.2. *The Performance Criteria is as follows:*

(a) need for a coastal location is demonstrated;

(b) new facilities are grouped with existing facilities, where reasonably practical;

(c) native vegetation is retained, replaced or re-established so that overall impact on native vegetation is negligible;

(d) building design responds to the particular size, shape, contours or slope of the land and minimises the extent of cut and fill;

(e) impacts to coastal processes, including sand movement and wave action, are minimised and any potential impacts are mitigated so that there are no significant long-term impacts;

(f) waste, including waste from cleaning and repairs of vessels and other maritime equipment and facilities, is managed in accordance with current best practice so that significant impact on natural values is avoided.

19.2.6.3. In regards to (a), clearly the proposal is dependent on a coastal location.

19.2.6.4. In regards to (b) the proposed river mouth is within close proximity to the current river mouth and is in a location where the river mouth has previously been. (b) is satisfied.

19.2.6.5. In regards to (c), clearance of native vegetation is previously discussed.

19.2.6.6. In regards to (d), the purpose of the project is to cut a new channel. Excavation should be concentrated to the areas necessary. This will be shown in the final engineering design and CEMP recommended as permit conditions.

19.2.6.7. In regards to (e), the impacts to coastal processes have been assessed in the Design Basis Report, including sand movement and wave movements. The results of the modelling are on Page 19 of the DBR. One of the disadvantages of the proposal as listed in 4.3.2 (page 29) of the DBR is:

“Reduces the beach length of Raspins and opportunity for renourishment sand source from northern training wall.”

It could then be considered that the lack of sand renourishment at Raspins Beach could be a long-term impact. However, the Planning Report states:

Should Raspins Beach require replenishment, there will be accumulated sand on Millingtons Beach to transfer to Raspins Beach. Sand transfer will be managed by Council and survey points will be established at the completion of the stabilisation works for the Council to use as a guide in determining the need to transfer sand. These points will be positioned in such a location as to give adequate warning to replenish the beach long before any erosion becomes an issue.

The proposal clearly requires an ongoing maintenance regime in regard to the replenishment of sand to Raspins Beach and reinforces the need for a Long Term Maintenance Plan which outlines the responsibilities for monitoring, pumping and dredging or other works and costs for the agencies involved in the project. The Maintenance Plan should form part of the permit once approved.

19.2.6.8. In regards to (f), there will not be any waste from the project.

19.2.6.9. It is considered, subject to recommendations and corresponding permit conditions, that the Criteria have been adequately satisfied.

19.2.7. Discretion 9 – Dredging (E11.7.2 A2)

19.2.7.1. There is no Acceptable Solution for dredging under the Waterway and Coastal Protection Code, as such the Performance Criteria must be satisfied.

19.2.7.2. *The Performance Criteria under E11.7.2 P2 is:*

(a) be necessary to establish a new or expanded use or development or continue an existing use or development;

(b) impacts on coastal processes that may lead to increased risk of inundation, including sand movement and wave action, are minimised and potential impacts are mitigated so that there are no significant long-term impacts;

19.2.7.3. The proposed dredging is for the purposes of long term stabilisation and is necessary for the development. The impacts on coastal processes have been modelled in detail in the supporting documentation and discussed in the sections above. Long-term impacts will need to be managed in accordance with a Long Term Maintenance Plan prepare to the satisfaction of Council's General Manager.

19.2.7.4. The Criteria have been adequately satisfied.

19.2.8. **Discretion 10 – Dredging (E15.7.6 A2)**

19.2.8.1. *The Inundation Code has no Acceptable Solution for dredging, as such the Performance Criteria must be considered.*

19.2.8.2. *The relevant Performance Criteria are as follows:*

(a) be necessary to establish a new or expanded use or development or continue an existing use or development

(b) potential for foreshore erosion or seabed instability is minimised;

(c) impacts to coastal processes, including sand movement and wave action are minimised and any potential impacts will be mitigated so that there are no unreasonable adverse long-term effects,

(d) limited and acceptable impact on aquatic flora, fauna and habitat;

(e) risk of re-suspension of potentially contaminated material is minimised;

(f) extracted material will be adequately and appropriately disposed of, including appropriate management of any declared weeds, local environmental weeds and other contamination

19.2.8.3. In regards to (a), the project allows for improved access to the Prosser River for small recreation and commercial marine vessels.

19.2.8.4. In regards to (b), the proposal expects to mitigate foreshore erosion of the northern shore and is not expected to create any foreshore erosion. As mentioned above, there is expected to be minimum environmental risk associated with disturbing sediments at the site.”

19.2.8.5. In regards to (c), impacts on coastal processes is discussed in the above section.

19.2.8.6. In regards to (d), there will be some impact on nesting shorebirds and potentially seagrass as discussed above. Proposed conditions include a referral of the application under the EPBC Act and an addendum to the Marine EIA regarding the impact on seagrass.

19.2.8.7. In regards to (e), the Marine EIA describes the Prosser River as a “slightly to moderately disturbed ecosystem” and that there will be “minimum environmental risk associated with disturbing sediments at the site.” There is no risk of re-suspension of potentially contaminated material.

19.2.8.8. In regards to (f), the extracted material will generally be sand which will be used to either fill the geo bags or to transfer sand to block the existing river mouth.

19.2.8.9. The Performance Criteria are considered to have been satisfied with conditions.

19.2.9. **Discretion 11 – Works within Coastal Erosion Hazard area (E16.7.1 A1)**

19.2.9.1. There is no Acceptable Solution under E16.7.1 A1 and as such the Performance Criteria must be considered.

19.2.9.2. The Performance Criteria are:

(a) not increase the level of risk to the life of the users of the site or of hazard for adjoining or nearby properties or public infrastructure;

(b) erosion risk arising from wave run-up, including impact and material suitability, may be mitigated to an acceptable level through structural or design methods used to avoid damage to, or loss of, buildings or works;

(c) erosion risk is mitigated to an acceptable level through measures to modify the hazard where these measures are designed and certified by an engineer with suitable experience in coastal, civil and/or hydraulic engineering;

(d) need for future remediation works is minimised;

(e) health and safety of people is not placed at risk;

(f) important natural features are adequately protected;

(g) public foreshore access is not obstructed where the managing public authority requires it to continue to exist;

(h) access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site;

(i) provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;

(j) not be located on an actively mobile landform.

19.2.9.3. The Coastal Erosion Hazard Area overlay in relation to the Study Area generally covers the north and south sand spits as can be seen in the areas coloured red and red hatched area in the Figure below:



Part of the purpose of the proposal is to provide stabilisation to the Prosser River mouth which will reduce erosion risk throughout the study area and to properties to the north of the proposed training walls. Public foreshore access will still be available to both Millingtons Conservation Area and Raspins Beach, although the accessible area of Raspins Beach will be shortened. The application repeatedly mentions that the Prosser River mouth is a dynamic system and is therefore considered to be an actively mobile landform. The proposal is to stabilise this mobile landform for permanent access for marine vessels. There will be no buildings located within the area. Although, (j) is arguably not satisfied, it is considered to meet the intent of the requirement.

19.2.10. Discretion 12 – Dependent on coastal location (E16.7.2 A1)

19.2.10.1. It is not entirely clear if Acceptable Solution E11.7.2 A1 applies to this proposal or not, given this development is not exactly a “boat ramp, marina, jetty or slipway”. As such, it is considered prudent to assess the proposal against the relevant performance criteria.

19.2.10.2. *The Performance Criteria is as follows:*

(a) need for a coastal location is demonstrated;

(b) new facilities are grouped with existing facilities, where reasonably practical;

(c) native vegetation is retained, replaced or re-established so that overall impact on erosion potential resulting from removal of native vegetation is negligible;

(d) potential for erosion is minimised generally;

(e) building design responds to the particular size, shape, contours or slope of the land and minimises the extent of cut and fill;

(f) impacts on coastal processes, including sand movement and wave action, are minimised and any potential impacts on erosion potential are mitigated so that there are no unreasonable adverse long-term effects;

(g) not be located on an actively mobile landform.

19.2.10.3. The Performance Criteria outlined above, other than (d), are identical to those relating to works dependent on a coastal location for the Coastal Inundation Hazard Code addressed above. In regards to (d), erosion is discussed in the section above.

19.2.11. **Discretion 13 – Dependent on coastal location (E16.7.2 A2)**

19.2.11.1. There is no Acceptable Solution for dredging under the Coastal Erosion Hazard Code.

19.2.11.2. The Performance Criteria is as follows:

(a) be necessary to establish a new or expanded use or development or continue an existing use or development

(b) potential for foreshore erosion or seabed instability is minimised;

(c) impacts to coastal processes, including sand movement and wave action are minimised and any potential impacts will be mitigated so that there are no unreasonable adverse long-term effects.

19.2.11.3. The above Performance criteria have been addressed under the Inundation Prone Areas Code section of this report (15.7.6 P2 (a) – (c)).

20. Discussion

20.1. Referrals

20.1.1. Council's Technical Officer

In relation to Councils existing infrastructure, Council's Technical Officer has the following comments:

The proposed training wall on the northern side of the Prosser River crosses a stormwater outfall from the Tasman Highway. It is possible that there are other smaller outlets from domestic properties that will also discharge to the wall. The proposal does not include detail on how the stormwater outfall will be incorporated into the training wall and this will be subject to detail design. A condition requiring the design of stormwater outlets to the training wall be subject to approval by Council is recommended.

20.1.2. Council's NRM Manager

Council's Manager NRM has been consulted and her comments can be summarised as follows:

- The best fit use class is not "Natural and Cultural Values Management", the primary purpose of the proposal is boat access.
- The project should be referred to the Commonwealth Environment Department under the EPBC Act.
- Concern about changes to the backwater area having a negative impact the fairy tern population.
- Concern expressed about sand removal and replenishment at Raspin's Beach.
- Concern expressed about the project making it easier for dogs to access sensitive bird habitat.
- Concern regarding consistency between this proposal and work being undertaken by Council and the Department of Premier and Cabinet Climate Change Office.

20.1.3. Environment Standards Division, Commonwealth Department of Environment (DoE)

The application was referred to the Commonwealth DoE requesting advice as to whether the project actions would require a referral under the EPBC Act with regards to its impact on Fairy Terns (listed as vulnerable under the EPBC Act).

DoE provided the following comment:

Any decision on referral should rely on a self-assessment of whether the action is likely to have a significant impact. The Department notes that the Significant Impact Guidelines have been used as the basis to determine the likelihood whether there will be a significant impact on a vulnerable species.

The Department notes the importance of the Fairy Tern population present in the proposed action area and the potential increase of threats due to the proposed action including increased risk of predation, disturbance by humans and/or dogs and potential impacts on foraging habitat due to construction in waters adjacent to Fairy Tern colonies, in line with the Department's Approved Conservation Advice for Sternula nereis nereis (Fairy Tern).

Please note that a person proposing to take an action is entitled, following suitable investigations, to reach their own conclusion that significant impacts on matters protected by the EPBC Act are not likely and that referral of the action is therefore not warranted. A person may also refer an action where the question of environmental significance is not known, or unclear, to remove doubt.

Since the initial assessment undertaken by Biosis, further surveys have been undertaken by BirdLife Tasmania (who are acknowledged in the report as a contributing organisation to the study) and the numbers of Fairy Terns have increased in December 2015 and January 2016 and have been using the backwater for feeding. This information was referred to Biosis.

Biosis responded with the following comments:

However, the EPBC Act Significant Impact criteria do not provide quantitative measures of potential impact and it does not appear likely that permanent loss of the population will occur. As a consequence, we consider that the assessment against the EPBC Act Significant Impact criteria in Biosis (2015) remains valid.

However, given the concerns raised by Council's Manager NRM and BirdLife Tasmania in their representation (see section below for further details), it is considered prudent that the applicant refers the proposal under the EPBC Act to remove doubt. A condition to this effect is recommended as a condition of any permit granted.

21. Concerns raised by representors

- 21.1. The proposal received 41 statutory representations during the 14 day public notification period. Of these, 33 of the representations generally supported the proposal and eight either objected to, or had serious concerns, with the proposal.
- 21.2. The supporting representations broadly raised the below points. It should be noted that the points below have little relevance to the requirements of the Planning Scheme.
 - 21.2.1.1.1. An increase in boat traffic through a permanently open river mouth will be good for local businesses and tourism.
 - 21.2.1.1.2. An increase in boat traffic will make Orford a more vibrant place.
 - 21.2.1.1.3. The MAST boat ramp in the Prosser River is a wasted resource with the Prosser River inaccessible to boats.
 - 21.2.1.1.4. There are long queues at the Triabunna boat ramp because the Prosser River ramp is unusable.
 - 21.2.1.1.5. Private jetties in the Prosser River which people pay licence fees for will once again be able to be used.

21.2.1.1.6. Stabilising the river mouth would make conditions more desirable for birds.

21.2.1.1.7. A number of people mention they have gone elsewhere to go boating and fishing because of the poor navigability of the river mouth.

21.2.1.1.8. There is a significant safety risk to people navigating the barway in its current form.

21.2.1.1.9. Envirobags have been used at other locations with great success.

21.2.1.1.10. The trees falling in the river as a result of erosion on Millingtons Beach spit are dangerous.

21.2.1.1.11. The stabilisation of the river mouth is vital for protection of properties on the northern shore near the backwater

21.2.1.1.12. Opening the river mouth through the location of the current backwater will improve water quality.

21.3. Some of the supportive representations raised issues with the proposal. The issues and responses are summarised in the table below.

Issue	Response
Nesting birds are under threat from dogs and humans. The nesting area should be permanently delineated by fencing or other sort of barrier and signposted to prohibit access.	<p>A recommendation of the Biosis Report is to:</p> <p><i>Investigate relocation of existing management activities that are currently in place to protect shorebirds, e.g. fencing and signage to exclude public access to nesting areas.</i></p> <p>It is recommended that a condition of any permit granted include a condition requiring the proposal to be undertaken in accordance with the recommendations of the Biosis Report.</p>
More trees should be planted as part of the proposal.	No trees are being removed as part of the proposal and it is not considered necessary to plant any trees within the study area.
The stormwater drain which enters the backwater has been an issue for a number of years. The rubbish that flows from the drain stagnates in the backwater.	A condition requiring the stormwater outlet to be incorporated into the overall final engineering design is included as part of a planning permit.
Request that Council ensure that the river is still accessible at either end of the geotextile bags. This would ensure that kayaks and other equipment can be launched and retrieved, and those in the water can exit if they find they cannot climb up the side of the bags.	The proposed layout shows that the river will be accessible from both the northern shore and the Millingtons Conservation Area sand spit.

Request that access be provided outside 68 Tasman Highway (ie. an access point between the rock wall and the first of the geotextile bags) in addition to the second access point at the stormwater outlet adjacent to 82 Tasman Highway.	The proposal shows that the training wall begins directly out the front of 68 Tasman Highway. A short walk to the east will result in direct access to the river which is considered reasonable.
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- 21.4. The representations objecting to the proposal raised the issues below. It should be noted that a number of these representations were extremely lengthy and detailed and the summaries of the issues below have tried to retain as much detail as necessary:

Issue	Response
<p>Birdlife Tasmania, raised the following issues, which were also raised by other objectors:</p> <p>“At no time in the 15 years of discussions or 30+ years of shorebird surveys and monitoring at the Prosser River has erosion – in any form or extent – been raised as an identified threat to the site and/or the shorebirds it supports.</p> <p>Based on our long-term knowledge and experience with the Prosser River site, spanning almost 40 years, we are of the opinion that the claim of a “serious erosion problem” threatening shorebirds on the site is spurious and manifestly false.</p>	<p>The statement is supported and is one of the reasons why the application is not being assessed under the “Natural and Cultural Values” use class.</p>
<p>Birdlife Tasmania reject the assessment in the Biosis Report that the Fairy Tern is NOT a significant population under the EPBC Act.</p> <p>Birdlife Tasmania has observed a larger than usual Fairy Tern breeding population in the Study Area in the months since the Biosis Report was completed.</p> <p>Birdlife Tasmania state:</p> <p><i>“The Prosser River colony of Fairy Terns is the southernmost known colony of the species in Australia, and as such meets the criteria for recognition as an Important Population”.</i></p> <p>In addition to the above statement, BirdLife Tasmania have provided their own assessment of the significant impact criteria which determined that the proposal must be referred to the Commonwealth Government for assessment.</p> <p>BirdLife Tasmania state they will forward their assessment to the Federal Government, requesting the proposal be referred under the EPBC Act.”</p>	<p>A permit condition is recommended requiring the applicant to refer the proposal to the Commonwealth Department of Environment to determine if assessment is required under the EPBC Act in order to resolve the issue of potential impact on the fairy tern and hooded plover populations. The matter must be resolved by the Department prior to construction starting.</p>

<p>BirdLife Tasmania is concerned that the Communities and Coastal Hazards Preliminary Local Area Report – Triabunna and Orford has not been incorporated into the project documentation. Council, MAST and the various consultants were all aware of the Tasmanian Climate Change Office's efforts, yet this report and its findings have been ignored. This is unacceptable, when the Local Area Report specifically addresses the issue of sea-level rise impacts on the mouth of the Prosser River.</p> <p>BirdLife Tasmania believes that the current stabilisation project documentation must be revised to incorporate the findings of the Communities and Coastal Hazards Preliminary Local Area Report – Triabunna and Orford.</p>	<p>This is a reasonable concern to raise, however this is matter for broader strategic discussions of council not for the assessment of this development application. There is no requirement for consideration of such broader strategies when assessing this development application under the Planning Scheme – the development application must be assessed on its own merits and solely according to the Scheme requirements.</p>
<p>The Prosser River Entrance Stabilisation Project Planning Report appears to contradict various claims of the efficacy of the proposed stabilisation project.</p> <p>On page 10, under Section 3.5, the following statement is made:</p> <p>"Sand that currently accumulates at the Orford spit is able to naturally replenish Raspins Beach when required but the location of the groynes will reduce the amount of sand naturally available to do this hence the possibility of needing to transfer sand from the southern side of the walls. "</p> <p>On the same page, under Section 4, the following statement is made:</p> <p><i>"The proposal involves:</i></p> <ul style="list-style-type: none"> <i>• Future sand deposition in Raspins Beach Conservation Area as a result of the works."</i> <p>One claim is made for a reduction of naturally available sand on Raspins Beach north of the river, and another claim is made for future sand deposition as a result of the proposal.</p> <p>Further confusing the outcome of the proposed stabilization, the Prosser River Entrance Stabilisation Project Planning Report then suggests Council can transfer sand from Millingtons Beach, south of the Prosser River if the project is not successful:</p> <p><i>"Should Raspins Beach require replenishment, there will be accumulated sand on Millingtons Beach to transfer to Raspins Beach. Sand transfer will be managed by Council and survey points will be established at the completion of the stabilisation works for the Council to use as a guide in determining the need to transfer sand. These points will be positioned in such a location as to give adequate warning to replenish the beach long before any erosion becomes an issue."</i></p> <p>Clearly there is uncertainty as to the efficacy of the proposal and its outcomes, leading to potential responsibility of Council for further sand transfers to maintain Raspins Beach in the future.</p>	<p>This issue of sections of the supporting documentation appearing to contradict itself has been raised by several objectors.</p> <p>However, it is clear that there will need to be ongoing monitoring and maintenance of sand replenishment at Raspins Beach and build up of sand along the training walls and within the channel.</p> <p>It recommended that a Maintenance Plan be prepared, to be approved and form part of the Planning Permit, and which must include measures to ensure sand is maintained at an appropriate level at Raspin's Beach.</p>

<p>BirdLife Tasmania believes that there is sufficient uncertainty regarding the outcomes of the proposal that warrants a review of the entire project.</p>	
<p>We note the project was approved and funded before any Environmental Impact Statements or other ecological studies and planning reports etc had been conducted.</p> <p>BirdLife Tasmania requests all consultants' documents associated with the proposal be subjected to independent, peer-review in light of the contradictory statements made, and the uncertainty regarding the efficacy of the proposal and its outcomes.</p> <p>In particular, the potential cost to Council for further sand relocation in the future as indicated in the report is of concern.</p> <p>We continue to believe that there is no genuine environmental benefit to the proposal and believe the shorebirds are being used as a convenient excuse for commercial interests.</p>	<p>All the reports have been prepared by suitably qualified persons in accordance with the requirements of the Scheme. There is no requirement of independent peer review under the Scheme.</p> <p>Potential costs for Council are outside the scope of assessing a development application against the planning scheme as a Planning Authority. Council must deal with such issues separately.</p> <p>The third statement is a matter of opinion. However, what is relevant to the planning assessment is whether or not the development application satisfies the relevant performance criteria, rather than how the project has been pitched. The proposal has been assessed under the "Pleasure Boat Facility" use class rather than "Natural and Cultural Values Management" in any case.</p>
<p>Concerns about the management of the storm water drain that presently has an outfall into the backwater. Is this to be piped into the channel?</p> <p>The recent floods have indicated that the pipe size is inadequate to drain heavy rain for the catchment. How is this being addressed?</p>	<p>A condition requiring the stormwater outlet to be incorporated into the overall final engineering design is included as part of a planning permit.</p>
<p>If the river mouth is dredged as required the boating public amenity will be improved. Without regular dredging the farce of the last decade will continue.</p>	<p>The DBR frequently states that the project will require ongoing dredging of the new channel and that it should be maintained at 1.2m depth.</p> <p>A condition of any permit granted should require a Long Term Maintenance Plan which outlines the responsibilities for monitoring, dredging or other works and cost for the agencies involved in the project. The Plan should form part of the permit once approved.</p>
<p>The outcomes which the proposal seeks to achieve can be obtained by a much less disruptive and far less expensive process. Other options should be considered.</p>	<p>The Planning Authority must assess the project that is in front of them. Alternative options should have been considered prior to the submission of a Development Application.</p>
<p>The project is a waste of public money that could be better spent elsewhere in the community.</p>	<p>Spending of public money is not a planning matter.</p>

<p>The proposal is an engineering scam.</p>	<p>Burbury Consulting who prepared the Design Basis Report are considered to be a "Suitably qualified person" under the Scheme:</p> <p><i>"means a professional engineer currently practicing with relevant CPEng or NPER accreditation and an appropriate level of professional indemnity and public liability insurance."</i></p>
<p>Since it was last excavated the river mouth moved south not north as claimed in the Design Basis Report.</p>	<p>The river mouth is dynamic and it is arguable whether it has moved north or south. As previously stated, the Planning Authority must assess the project that is in front of them.</p>
<p>Changes to the river mouth in this radical way would be exceedingly dangerous to the users; kayakers, swimmers, tourists and the general community.</p>	<p>The comment does not state how it will be dangerous making it difficult to provide a considered response.</p>
<p>The development of the new channel is contradictory to the current bird sanctuary stipulations in the area. Also would be detrimental to the growth of the Samphire grass that is a protected species which currently grows in the proposed sand bank area.</p>	<p>The impact on the migratory birds has been assessed as acceptable in the Biosis Report. Council's NRM team have advised that the application should be referred under the EPBC Act. A condition to this effect should be included in any permit granted.</p>
<p>The channel that was dug a few years ago was to protect Raspins Beach and Tasman Highway from sea erosion worked and will this new channel make an impact on Raspins once again, and has this been considered in your proposed venture?</p>	<p>See other comments</p>
<p>The DBR appears to contradict various claims of the efficacy of the proposed stabilisation project. For example it states:</p> <p><i>Sand that currently accumulates at the Orford spit is able to naturally replenish Raspins Beach when required but the location of the groynes will reduce the amount of sand naturally available to do this hence the possibility of needing to transfer sand from the southern side of the walls.</i></p> <p>On the same page, under Section 4, the following statement is made:</p> <p>The proposal involves <i>"Future sand deposition in Raspins Beach Conservation Area as a result of the works."</i></p> <p>One claim is made for a reduction of naturally available sand on Raspins Beach north of the river, and another claim is made for future sand deposition as a result of the proposal.</p>	<p>The contradictions within the documentation are confusing and the impact on Raspins Beach is unclear.</p> <p>A condition requiring a Monitoring and Maintenance Plan is recommended. The Plan should require trigger levels for when replenishment may be required.</p>

<p>Further confusing the outcome of the proposed stabilization, the Planning Report then suggests Council can transfer sand from Millingtons Beach, south of the Prosser River if the project is not successful</p> <p><i>Should Raspins Beach require replenishment, there will be accumulated sand on Millingtons Beach to transfer to Raspins Beach. Sand transfer will be managed by Council and survey points will be established at the completion of the stabilisation works for the Council to use as a guide in determining the need to transfer sand. These points will be positioned in such a location as to give adequate warning to replenish the beach long before any erosion becomes an issue.</i></p> <p>Clearly there is uncertainty as to the efficacy of the proposal and its outcomes, leading to potential responsibility of Council for further sand transfers to maintain Raspins Beach in the future.</p>	
<p>The DBR states the following as a project objective:</p> <p><i>Maintains and improves upon the values of the river entrance to public (access, swimming/recreational, visual amenity) and natural environment (terrestrial flora and fauna, marine ecology)</i></p> <p>The specific reference to visual amenity fails to recognize the critical issue of the lack of assessment of either the enhancement or degradation of the existing visual amenity created by the two 'training walls' being added to it. A proper assessment of the important planning concept of visual amenity is surprisingly lacking from any of the consultants' reports (including the planning consultants report).</p>	<p>The comment is noted and there will clearly be an impact to the visual amenity of the area. However, there is no requirement in the Scheme to require a visual amenity assessment.</p>
<p>The document referred to in the DBR as the 'Steane Report' is extremely important. It is used on several occasions within DBR to (apparently) justify the location of the proposed 'training walls'. The diagram from the Steane Report is a hand-drawn sketch (not a technical design drawing) and has been used on numerous occasions to provide information for public comment and is part of the submitted report (Figure 11).</p> <p>According to the title, the 1993 study by Steane was undertaken to investigate reasons for the previous erosion of Raspins Beach. The study recommended a series of groynes positioned as shown in the sketch (Fig. 11). It is clear from Steanes' sketch that the additional groyne 'G' and Training wall 'Tc' are essential parts of any of his recommendations. The groyne and the training wall seem to be critical features of the Steane design but have been entirely ignored in the new design, and no explanation has been given for their omission.</p> <p>I submit that the integrity of the Design Basis Report is compromised by the consultants' failure to explain the additional features shown in the Steane sketch and the relevance of the Steane Report to this project as a whole.</p>	<p>Noted. The DBR is prepared by a suitably qualified engineer under the Scheme and is considered to be satisfactory.</p>

<p>The new design relies upon the Steane Report for validation, and it is essential that any deviations from that design by the DBR are clearly explained. The DBR ignores potentially important variations from Steane and places misleading emphasis on unsubstantiated referrals to a document that is not made available with this DA for scrutiny.</p>	
<p>The DELFT3d modelling program for assessing existing and as-built conditions is a highly technical field of research and requires a considerable degree of expertise to fully understand the issues.</p> <p>The modelling should be peer reviewed to reassure the public that the primary foundation for justification of the development is correct.</p> <p>I assert that the modelling information provided requires competent independent expert assessment to verify claims made by the developer. This expert assessment would provide a means of re-assuring those of us who don't fully understand the complex issues. My representation is that any such claims can only be valid if they are supported by independent expert (peer) review.</p>	<p>The reports were prepared by "suitably qualified persons" and there is no requirement for peer review.</p>
<p>I suggest that the references to Vantree (2000) are irrelevant and misleading and speak to the lack of credibility of the DBR.</p> <p>The DBR refers to "The Vantree Report 2000" and claims it identified training walls as a management option for their report.</p> <p>The Vantree report was undertaken sixteen years ago and, as the title suggests, dealt specifically with sand replenishment to Raspins Beach. It is therefore questionable as to whether it has any relevance to the current proposal. Contrary to the Vantree report, the current proposal does not deal specifically with sand replenishment on that beach.</p>	<p>Comment noted.</p>
<p>Design Basis Report: 4.3 Option 3 – Northern Alignment.</p> <p>It is stated that the adoption of Option 3 (this proposal) was a direct response to residents concerns about flushing of the backwater to improve water quality and it is clear that this issue was the sole justification for MAST abandoning the original design Options 1 and 2. No other justification was presented. This then firmly establishes that the single factor used as the basis for adopting Option 3 was an assertion that the backwater has (or will have) a water quality problem.</p> <p>The Council RFI correctly states that Burburys' claim relating to poor water quality "is not backed up with any water quality data or habitat assessment and appears to be anecdotal"</p>	<p>As discussed in other sections of this report, the existing water quality of the back water is not a critical component of assessment of the proposal as a "Pleasure Boat Facility". The assessment must be focussed on the how the proposed development satisfies the relevant performance criteria and the likely effects of the proposal on the environment (rather than analysing differences of opinion about existing water quality).</p>

<p>This is clearly the case and the response to the RFI by Burbury confirms that no water quality sampling has been undertaken and the reply further claims that proving their claim is not required. This points to blatant disregard for provision of any substantiation of their 'poor water quality' claims – claims that are the single pivotal reason for the rejection of alternate Options 1 & 2 and for the proposed re-location of the 'training walls' through the shorebird habitat. Burburys' reply then goes on to imply that Council has no right to request evidence of poor water quality. The reply then uses unsubstantiated generalisations, and introduces further untested anecdotal evidence of 'odour'. It implies there was evidence of anoxic conditions due to the presence of 'rotten egg' (hydrogen sulphide) odour and that this is further evidence of poor water quality.</p> <p>"This was verified when conducting field geotechnical works (inserting a geo-probe into the backwater sediments) which encountered such conditions. This is typical of stagnated water conditions."</p> <p>The geo-probe mentioned was presumably one of the four probes that were undertaken as part of the Marine EIA. They are referenced in the Marine EIA Part 8 Sediments. The locations of the probes are shown in Figure 9 Sediment core sample locations. No sediment core sample locations were taken in or near the backwater. Throughout the remainder of the Marine EIA and throughout all of the remaining reports and documents, there is no reference to any other geo-probes or core sampling. This contradicts Burburys' misleading inference that a core sample was taken "into the backwater sediments" and that they showed signs of anoxic conditions. The statement was a clearly a fabrication.</p> <p>In the comments in the Marine EIA on contaminants (Part 8.1), the report indicates that all sediments samples were low in contaminants – most were well below trigger values and in some cases below detection levels.</p>	
<p>Core 3 location was specifically analysed to a depth of 1metre. This was done because of the historical presence of an 'up-gradient fuel station'. The field sampling determined that no acid soils were present so the consultants found that it was not necessary to forward samples for further laboratory analysis. This clearly contradicts Burburys' statements of an historical fuel spill contaminating the backwater.</p>	<p>Comment noted, but not particularly consequential to the planning assessment.</p>
<p>It is clear that Burbury made statements concerning water quality that are untrue and contradicted by the supporting research. It is also clear that the reply to Councils' RFI contains serious misleading and false statements.</p> <p>If the matters raised here are proven to be correct, then I believe the consultants actions constitute a breach of the Land Use Planning and Approvals Act 1993.</p>	<p>The claims of inaccurate statements appear to relate to the applicant's claims that the proposal is primarily for the purposes of environmental benefit. Given the Planning Consultant's have dismissed this and are assessing the proposal as a "Pleasure Boat Facility" these challenges to opinion have less significance.</p>

<p>Apart from the possible breach of LUPAA, there is also the consideration that the misleading and untrue statements irreparably compromise the reason for the adoption of this proposal (Option 3) – and rejection of alternate Options 1 & 2. I assert that these are valid grounds for representation.</p>	
<p><u>Design Basis Report: 5.1. Current And Tidal Flow Surveys.</u> The last dot point states that the proposal “will require ongoing dredging as required in low rainfall periods”. This confirms that the opening will be subject to continuous blockage unless there are flushing flows of fresh water (regardless of standard tidal flows).</p> <p>The final paragraph confirms that the ‘training walls’ will not prevent wave erosion to Millingtons and Raspins beaches. It also suggests that additional groynes may need to be considered otherwise ‘artificial’ renourishment (mechanical replacement) would be required.</p> <p>Both the above admissions confirm that the considerable construction expenditure will be wasted without an unknown (probably massive) expenditure on continuous dredging, groyne construction and mechanical replacement of sand to eroded beaches. Clearly an admission that the consultant considers this proposal will not provide the amenity it promises.</p>	<p>Comment noted.</p> <p>A Maintenance Plan is recommended as a condition of approval.</p>
<p><u>Design Basis Report: 5.2. Design Comparison to Historical Alignments.</u> The DBR claims the Figures 17 to 20 show that the proposed alignment “replicates the historical alignment through the 1990’s and 2000’s”. Based on more comprehensive historic aerial photography of the river mouth and upon statements made within this report, concerning the movement of the river mouth, this statement is not correct.</p> <p>In addition, the several dredging projects undertaken during the 90’s and 00’s has played a significant role in disrupting natural processes and so any replication of alignments would be purely circumstantial. The repetition of unsupported claims are an indication that, rather than providing reliable justification for this project, there is a concerted effort to present misleading and unsubstantiated claims as fact.</p>	<p>This assessment focuses on the proposal and future impacts.</p>
<p><u>Design Basis Report: 5.5. Recommendations.</u> There is reference to the final details being “amended to this report as an appendix prior to final design drawings”. The only amendment recorded is a Memorandum with the subject ‘Detailed Modelling Outputs: Sedimentation and Maintenance’. As stated in previous sections of this representation, this document requires expert independent review (peer review) to ensure that the public is reassured that the assumptions and conclusions provided in the memorandum are relevant and accurate. This issue was raised earlier in this representation in the section headed ‘Design Basis Report: 3.8. Wave and Sedimentation Modelling’.</p>	<p>There is no requirement to have the qualified reports peer reviewed.</p>

<p>It is my understanding that, if information provided to or by this document is inadequate, misleading or erroneous, then the development must be reconsidered – or if the report(s) cannot be adequately corrected or reconciled then the project must be refused.</p>	
<p>The MAST reply to Councils RFI includes a letter from Biosis (4 Feb 2016). The matter of important recent information was conveyed to the consultant and the response concluded that the proposed project represented a 'significant impact' upon newly reported population of the Fairy Terns (20 mating pairs, 1.5% of the estimated National population). This significant impact assessment triggers a EPBC assessment of the project (this has not been undertaken).</p> <p>While the Biosis response recognised the project constituted a trigger for Commonwealth EPBC assessment, it included the following statement:</p> <p>"The EPBC Act significant Impact criteria do not provide quantitative measures of potential impact and it does not appear likely that permanent loss of the population will occur."</p> <p>Biosis go on to give this reason as justification for maintaining its original reports conclusion that they did not require to assess the project against an EPBC Act Significant Impact criteria.</p> <p>I assert that this project must be referred for assessment under the EPBC Act Significant Impact criteria in relation to the encroachment of the project into a threatened species nesting habitat and the destruction of the backwater, an important shorebird-feeding habitat.</p>	<p>A permit condition is recommended requiring the applicant to refer the proposal to the Commonwealth Department of Environment to determine if assessment is required under the EPBC Act in order to resolve the issue of potential impact on the fairy tern and hooded plover populations. The matter must be resolved by the Department prior to construction starting.</p>
<p><u>Marine EIA</u></p> <p>What is not known is whether the current proposal (Option 3 in the DBR) was included in the original brief to the consultants prior to the design and implementation of their field study in May/June. If not, what needs to be established is whether the lack of knowledge of this preferred option compromised the consultants' design of the field sampling. This may explain why sampling surveys of the Marine EIA were restricted to the location of the 'southern option' and no sampling was undertaken anywhere near the location of Option 3 (apart from the off-shore transect T1). This matter must be clarified.</p> <p>No sediment core samples are taken anywhere near the proposed Option 3 location. In addition, no core samples were taken in, or adjacent to, the backwater.</p>	<p>As noted previously, the consideration of other options is not part of this planning assessment.</p>
<p>A further matter relating to the Marine EIA is that it is a draft document. The copy of the report is clearly watermarked 'DRAFT' and so must be assumed to be not a final report. This may negate it's provision as a reliable document.</p>	<p>Noted. The applicant has now provided a Final copy of the Marine EIA which is identical to the advertised document.</p>

<p>Part 6 of the Marine EIA provides important information on the sub-tidal habitat including the major habitat types of the river (Figure 6) and major habitat types off-shore Figure 7. The presence of the seagrass, algae and sand substrate were observed but none of these habitats were mapped spatially.</p> <p>In Part 6 Subtidal Habitat, the Marine EIA repeatedly refers to the <i>Heterozostera</i> seagrass beds and states: “Seagrass plays an important role in the ecosystem providing food and shelter to aquatic animals, oxygenation of the water, recycling of nutrients and stabilization of sediments”.</p> <p>In Part 10 Conclusions, the Marine EIA makes a very important statement: “The potential increase in water velocity through the channel created by the training wall could increase scouring of the seabed and reduce the total area of seagrass in the river. Therefore, a thorough evaluation of the effects of any new structures on marine sediment transport is essential prior to development approval”. This has not been carried out in the DBR because none of the seagrass beds have been spatially assessed.</p> <p>An essential component of the assessment of the effects of sediment transport on the important seagrass beds is spatial mapping of the existing extent of the seagrass and then expert assessment of the impacts of this project upon the existing beds. Without proper spatial data, there can be no meaningful assessment as recommended in the Marine EIA.</p> <p>I assert that the sedimentation analysis provided in the DBR does not address the concerns raised in the Marine EIA.</p>	<p>The applicant was requested to supply a response to the evaluation that was required prior to development approval after the application was advertised.</p> <p>Marine Solution, author of the Marine EIA, provided the following response</p> <p>In summary, Seagrass is going to persist, but the areas it covers will be altered, and until some level of equilibrium is reached post completion of the works it is very difficult to say which areas will become suitable seagrass habitat, however the total area of habitat suitable for colonisation by seagrass will remain similar.</p>
<p>Document 4: PWS Reserve Activity Assessment – Level 2 to 4 – application only (prepared by MAST).</p> <p>In several sections of this RAA the information provided is not factual or is misleading. The questionable information provided by MAST compromises the ability for Parks to properly assess the RAA.</p>	<p>The RAA is not a requirement for planning assessment and is not relied upon for assessment purposes.</p>
<p>RAA 1.3 Description:</p> <p>This section of the RAA includes several misleading statements: “...there is a significant risk that the receding shoreline could have a detrimental effect on nearby foreshore residences, the Raspins’ Beach day use area and its infrastructure and ultimately the adjacent Tasman Highway”. This assertion is false and no supporting evidence has been provided in any of the reports provided for this DA for this inflammatory and grossly distorting statement. It should be withdrawn from the RAA. “...this will remove the ongoing issue of water quality in the backwater...”.</p>	<p>The RAA is not relied upon for assessment purposes. The existing water quality of the backwater is not a critical issue to the assessment of this proposal.</p>

<p>This statement infers that there is a water quality issue. GSBC Council has stated that there is no water quality issue and the Marine EIA results of sediment sampling for the DBR prove there are no water quality issues. This statement by the proponent is false.</p>	
<p>RAA 1.7 Need (why):</p> <p>“...the mouth will migrate towards Raspins’ Beach, limiting vessel access to the River and inducing scour along the beach to the extent that the foreshore will be at risk....”.</p> <p>This is a misleading statement that has not been supported by any evidence in any of the consultants reports provided with this DA.</p> <p>The reference to the similarity of this scenario to those “.. experienced in the ‘early-2000’s’...” is irrelevant as those experiences were not quantified and were influenced by factors totally unrelated to this project. Subsequently, to infer this project will in any way avoid such experiences is false.</p>	<p>Addressed elsewhere in this report.</p>
<p>RAA 11.1 Economic Benefits and Impacts (summary):</p> <p>There are references to “economic benefit’ that are not supported by fact and in some instances contradicted by other parts of the project reports.</p> <p>Claims of economic benefit derived from increased vessel and increased visitor numbers is unsubstantiated speculation. The claims of economic benefit being derived from avoidance of damage to infrastructure is pure speculation and the likelihood of any such damage has not been shown in any the reports provided with this proposal. The claim of economic benefit derived from less need for dredging is a totally unsubstantiated and fanciful claim. No evidence of any kind has been provided to show a reduction in dredging, in fact the DBR goes to great pains to reinforce the need for ongoing dredging.</p> <p>No quantitative assessments have been provided and any statements that less dredging will be required are pure unsupported speculation, contradicted by available anecdotal evidence (the historical need for repeated dredging and the existing rate of sedimentation deposition).</p>	<p>Not a relevant statutory planning consideration.</p>
<p>RAA 1.12 Alternatives (other ways):</p> <p>Do Nothing:</p> <p>Claims of “.. potential for damage to, and loss of parts of, Tasman Highway” are misleading and unproven claims. Claims that “Raspins’ Beach would also become highly susceptible to flooding impacts” are also misleading and unproven.</p>	<p>This report can only assess the proposal submitted, not potential other options.</p>
<p>Eliminate:</p> <p>“There is no option available to eliminate the problem”.</p> <p>There were several other options available for assessment but not presented due to a spurious desire to eliminate the</p>	<p>This report can only assess the proposal submitted, not potential other options.</p>

<p>backwater habitat. Options 1 and 2 were available that might prove less onerous but seem to have rejected for some reason and there are numerous other more environmentally friendly options available that have been ignored.</p>	
<p>Isolate/Substitute: Statements here continue to allude to the false assumption that Raspins' Beach is in jeopardy and that the river mouth requires stabilization. (A repetitious feature of the rhetoric surrounding this project is the need to 'stabilise' the river mouth. There is has been no proper investigation of any such need, and having to embark on such a naturally disruptive undertaking as diverting a river mouth seems to defy reason – personal comment).</p>	<p>See Section 4 of this report – the application is being assessed under the "Pleasure Boat Facility".</p> <p>The submitted Planning Report also does argue that the proposal meets the Scheme requirements under either use class.</p>
<p>Engineer: "The recommendations (of the DBR) concur broadly with previous reports by Steane and Foster(1993) and Byrne (2000)". This is a misleading statement as both the reports quoted have been used out of context in the DBR. Some parts of these reports have been used as unsubstantiated verification of the project design. Failure to provide these reports and clarify their significance or relevance renders their citation misleading and false.</p> <p>"The recommendations in this RAA have been modelled extensively using DELFT3d software which the previous consultants did not have. As all the consultants broadly concur there is no need to seek a peer review". This statement is extremely misleading and requires clarification. The wording seems to imply that the consultants Steane and Byrne and other consultants quoted in the DBR have indicated they do not deem a peer review necessary. This is absolutely NOT the case.</p>	<p>The RAA is not a requirement for planning assessment, however, the applicant has submitted the document as supporting information. Council's planning consultant's have not relied upon the RAA for their assessment.</p>
<p>Apart from the numerous anomalies, irregularities and untrue statements outlined above, this RAA appears to be an incomplete document. It does not seem to contain any endorsements/approval or comments by Parks.</p> <p>I assume that the RAA is submitted with the Development Application as a supporting document and is presumably only useful as a supporting document if acknowledged and accepted/approved by Parks. Parks has not endorsed this RAA. I am unaware of the RAA reporting process so cannot determine if this document is valid if Parks does not endorse it.</p> <p>I submit that the failure to provide a valid RAA renders this DA incomplete.</p>	<p>The RAA is not a requirement for planning assessment, however, the applicant has submitted the document as supporting information. Council's planning consultant's have not relied upon the RAA for their assessment.</p>
<p>Document 6: Memorandum – Detailed Modelling Outputs: Sedimentation and Maintenance (Burbury Consulting).</p> <p>In the text (two paragraphs before Figure 7) the following statement is made:</p>	<p>There is no requirement to have the qualified reports peer reviewed.</p> <p>A Maintenance Plan, including dredging requirements and responsibilities should be required as a condition of permit.</p>

<p>"The sediment modelling has not been calibrated as this requires ongoing surveys of changes for both the river and shoreline".</p> <p>This admission supports the claims of the data currently available for meaningful modelling is inadequate. The consultant goes on to suggest post-construction monitoring measures presumably to discover if the design has worked. And the consultant here also admits that the timelines for maintenance dredging are also unknown.</p> <p>This speaks directly to the quality of the modelling and reinforces the validity of a peer review of all aspects of what is ultimately the one single research tool that will provide any trustworthy idea of the likelihood of success or failure of this proposal.</p> <p>It is my assertion that a closer look at peer reviewed modelling of a truly relevant footprint of this proposal will find the current design lacking at almost every level.</p>	
<p>In Figure 11 'Major swell event sedimentation', a sedimentation profile of 1.5 to 2 metres is shown at the southern side of the southern 'training wall'. Also shown is a 0.5 to 1 metre deposition profile on the northern side of the northern 'training wall'.</p> <p>The bathymetry indicates a seabed level of approximately 1.0 metre at the mouth of the 'training wall' (south side) and 0.9 metres (north side). Does this mean that, in every major swell event, sediment of that magnitude will be deposited at the opening? Won't this create a critical stored volume of sediment that will ultimately render the opening useless? After each major swell event won't the sheer volume of sedimentation provide fuel for long-term sediment movement by normal wave action over extended periods? Won't this require constant dredging to keep the mouth navigable? The extent and magnitude of a dredging operation to clear such a volume of sediment would be massive.</p> <p>The lack of adequate and reliable explanations of these implications is disturbing and again reinforces the need for proper peer review of the modelling.</p>	<p>There is no requirement to have the qualified reports peer reviewed.</p> <p>A Maintenance Plan, including dredging requirements and responsibilities should be required as a condition of permit.</p>
<p>Document 7. Memorandum – RFI Response to Further Information (Burbury Consulting).</p> <p>This document was particularly disturbing and the further information provided has been found to be misleading and, in at least one instance, untrue. As this is a document essential to the validity of the DA, and if it is found that the claims of misleading and untrue information are found to be correct, I assert that the DA lacks proper statutory documentation.</p>	<p>Once it was determined that the use class for the proposal is "Pleasure Boat Facility" rather than "Natural and cultural values management" the requirement for additional evidence of past erosion issues. Such requests were made in order to justify the applicant's claim that the proposal was primarily for environmental reasons rather than boat access.</p>

<p>With regard to the GSBC RFI concerning the failure of the proponent to provide visual evidence of the claims of erosion over the period of the photography as used in the remainder of the report. Burbury Consultings' failure to address this RFI indicates seems to indicate an unwillingness to provide useful information validly requested that may be significant in determining the efficacy of the development.</p>	
<p>The RFI concerning shorebird habitat was also treated evasively. Burbury may have misunderstood the request (which may have been overly simplistic).</p> <p>The RFI was a valid request for information supporting the claim that the shorebird nesting area on the northern bank would continue to scour. In the reply Burbury points to the sections 3.1, 3.2, 3.3, and 5.2 of the DBR, however none of these sections provide evidence of the extent of the existing NESTING area. They simply reference the sand spit area. The erosion of this sand area is not shown over time - only on intermittent photography that does not take account of several intermittent dredging operations undertaken between the photographic records. The reply fails to clarify how the shorebird area is being eroded.</p>	<p>Whilst it recognised the quality and detail of supporting documentation and responses to requests for further information could have been better, they were considered sufficient to satisfy the information requirements to proceed to assessment under the Scheme.</p>
<p>The RFI requested 'evidence of the poor water quality of the backwater over time.'</p> <p>Burburys' initial response was to claim that water quality sampling was not required and that, as Council had no contrary evidence, it had no right to ask for any. This was a curious response.</p> <p>The reply goes on to claim that the EPA indicated there is hydrocarbon input entering the river from a fuel spill from a redundant fuel station. As previously shown in this representation, sampling and testing at core site 3 by the Marine EIA was undertaken specifically to determine if there was any such contamination at that location. No contamination was reported. These data were available to Burbury and it can only be assumed that this information has been overlooked (or ignored) in the reply. This can only be viewed as a deliberate attempt to mislead.</p> <p>The reply goes on to claim anecdotal evidence of poor water quality in the backwater because of odours reported by residents. Prior to Burburys' claim, Council indicates they were not aware of any reports of water quality issues. Without any evidence to support the claim that these odours were due to poor water quality, the reply states that "Our expertise would suggest" anoxic conditions were causing poor water quality and that their opinions were 'verified' by a geo-core sample taken in the 'backwater sediments'.</p> <p>As previously shown in this representation, the four sediment core samples reported in the Marine EIA are the only core samples reported in any documents. These core samples were all taken considerable distances away from the backwater. No core sample was taken in the backwater sediments. Burburys' statement is false.</p>	<p>The water quality in the backwater is not a critical component of the planning assessment. This appears to have been raised support the idea that the proposal will contribute to environmental improvement and thus potentially be considered under such a use class. However, the proposal is being considered as a "Pleasure Boat Facility".</p>

<p><u>Document 8:</u> <u>Prosser River Entrance Stabilisation Project Planning Report (AllUrbanPlanning).</u></p> <p>The Planning Report relies heavily upon information provided in the supporting Consultant reports, and in particular to the assertions and statements made in the DBR. It quotes and references the DBR on numerous occasions. In previous sections of this representation I refer to inadequate or misleading or erroneous information that has been provided to this DA. My understanding of the planning regulations is limited but my contention is that, if the Project Planning Report relies upon the information provided by the proponent in the Design Basis Report (DBR), and that information is inadequate, misleading or erroneous, then the Planning Report is compromised. If the matters I have previously raised have substance then the conclusions of the planning report should be reconsidered and amended accordingly.</p>	<p>The submitted documentation was considered sufficient to assess the proposal.</p>
<p>The Planning Report states that “The primary purpose of the works are to stabilize the river entrance.” The remainder of the report assesses the application on the assumption the use best ‘fits’ the Natural and Cultural Values Management use class. I do not believe this use class accurately fits this development.</p> <p>It is clear from the design, the public information documentation and from press statements by the Mayor, Michael Kent and (in particular) MAST's Peter Hopkins (both in THEMURCURY.COM Sunday February 14 2016) that this development is clearly a recreational boating development aimed primarily to open the river mouth. References to “Relocation and Stabilization of the Prosser River” are attempts to disguise the true intent of the development, mislead the public, and avoid scrutiny of the real intent.</p>	<p>See Section 4 of this report – the application is being assessed under the “Pleasure Boat Facility”.</p> <p>The submitted Planning Report also does argue that the proposal meets the Scheme requirements under either use class.</p>
<p>MAST have no interest in the stabilization of Raspins’ or Millingtons’ Beach. Their principal intention is to open a navigable channel for recreational boating access to the numerous jetties in the Prosser River. MAST is attempting to hide their intention behind the thinly-veiled hypocrisy of claiming it is ‘natural values management’. MAST is determined at any cost to provide access for boats, regardless of the environmental impacts, simply to avoid the responsibility of having to explain their approval of land-locked private jetties. The existence of such jetties is a testament to the repeated lack of proper planning and assessment of such inappropriate developments as pleasure boating facilities in a river subject to natural sedimentation and blockage.</p>	<p>See Section 4 of this report – the application is being assessed under the “Pleasure Boat Facility”.</p> <p>The report assesses a development proposal, not past developments.</p>
<p>This development is clearly, in spite of titles and claims to the contrary, the construction of a channel from the river estuary to open water. The remaining claims (relating to preventing beach erosion) are speculative and are secondary outcomes of the construction and not the primary reasons for the structure. There are numerous other ways to protect these beaches that are less intrusive, do not destroy</p>	<p>See Section 4 of this report – the application is being assessed under the “Pleasure Boat Facility”. This report can only assess the submitted development, not potential other developments.</p>

sensitive shorebird habitat and are more cost-effective. Labeling the opening of the river mouth as 'stabilization" is grossly misleading.	
<p>The proposed construction works infringe upon coastline currently being assessed under the Coastal Hazards project being undertaken by the Department of Premier and Cabinet. There has been no reference to any consideration of the implications of this project for the CH project.</p> <p>Similarly, there are no references in any of the design reports of consideration of Climate Change. There are numerous references in studies of coastal inundation risks, sea-level rise impacts and other climate change induced impacts of this section of the Tasmanian coastline. The implications of increased intensity and recurrence of storm surges and flooding, heavy rainfall events etc., induced by rising sea levels and rising sea temperatures, have been ignored in this development application.</p>	<p>This is matter for broader strategic discussions of council, and potentially other agencies, not for the assessment of this development application. There is no requirement for consideration of such broader strategies when assessing this development application under the Planning Scheme – the development application must be assessed on its own merits and solely according to the Scheme requirements.</p> <p>This proposal can only be assessed against the relevant sections of the Scheme. The Scheme is considered to have been prepared in accordance with State Policies and several Codes that are meant to address matters related to climate change, inundation and coastal impacts are triggered and thus addressed in the assessment section of this report.</p>
Contrary to the assertion that the river mouth is migrating northwards at 10-30 metres per year the repositioned mouth has, generally, moved slightly southwards. The sole purpose of the 2002 repositioning has in fact worked, we have seen significant replacement of sand and coastal regeneration in the Raspins Beach area.	Noted. Conditions requiring monitoring and maintenance for sand replenishment of Raspins Beach are recommended.
Is their sufficient financial reporting for Council to commit to ongoing maintenance?	A condition requiring a fully costed maintenance plan is recommended.
The river mouth will always be prone to silting given the number of factors impacting the estuary and will not always be suitable for navigation.	The proposal relies on the DBR which argues that the project will be successful with ongoing maintenance. Detailed engineering plans and Maintenance Plan are recommended as permit conditions.
The primary stated purpose of the proposal is Prosser Bay coastal protection, including Raspins Beach and recreation area and the Tasman Highway. These areas have been protected by the repositioning of the river mouth in 2002.	The applicants stated primary purpose of the project is rejected.
To return the river mouth to the 2002 location may likely cause a return of the tidal swirl which created the deep erosion of Raspins Beach in the first place. This will in turn cause the Council, under the obligation offered on its behalf as part of the proposal, to engage in costly sand replenishment and channel dredging. Has Council resolved to do this?	As mentioned above, a Maintenance Plan is recommended as a permit condition. The plan will need to outline costs and responsibilities and be to the satisfaction of the General Manager
If the other reason for the application, to keep the river mouth open for boating, is to be seriously considered, the lack of Orford fuelling facilities, the much improved facilities	The drivers for the project are not a matter for the Planning Authority, but

and the trailer boat preference for parking in Triabunna must be taken in to account. People with jetties and moorings will of course advocate for the river mouth to be reopened for constant navigation access, we understand this. They have been encouraged to expect as much because of undertakings given and jetty upgrade requirements. A full audit of jetty and mooring ownership, to assess impact, needs to be considered and provided by the applicant so that Council can assess the breadth of the impact of the river mouth silting.	rather a strategic matter for Council.
There will be a requirement for parking of boats and trailers both at the ramp and within the commercial precinct of the town. This issue surely requires the Parking and Access code (E6) to be considered in this application: see page 19 of All Urban Planning report.	The proposal will provide access to existing approved facilities. The proposal provides no new infrastructure that will intensify the parking requirement and require assessment under the Parking and Access Code.
The Applicant posits that fees from Jetties and moorings will be allocated towards costs of maintenance and ongoing services. This will create a greater incentive for MAST to allow more mooring facilities in the river, limiting the other user recreational opportunities for this sea breeze protected piece of water. What will these fees be, have jetty owners been informed so that they can properly assess the impact of this proposal on their annually renewed licenses?	This is not a planning matter under the Scheme.
Does this proposal give assurance that the beach/sand front on the river shore in front of our shack will not be adversely affected. Our children and others played on the space and we would like to think that our grandchildren and others within the community will have the continuing opportunity to enjoy what will be the only piece of sandy shoreline on the west side of the Prosser River with public access uninterrupted by enhanced river flow, jetties and rock walls.	The project does not guarantee that the sandy river shore will be protected.
The training walls will attract people for both fishing and recreation and if they slip into the channel they will have great difficulty climbing back onto the training wall. Has a hazard analysis been carried out as part of the planning process?	Comment noted, however this is not relevant to the requirements of the Planning Scheme.

22. Conclusion

- 22.1. Planning approval is sought for the relocation and stabilisation of the Prosser River mouth and construction of two geo-textile bag retaining walls. The purpose of the proposal is to ensure boat access to the Prosser River and provide ongoing stability.
- 22.2. The supporting documentation for the application at times appears confused, with elements that could be more thorough or consistent. However, the information submitted is considered sufficient to assess the proposal as a "Pleasure Boat Facility" against the relevant sections of the Scheme, as always subject to some matters being addressed via permit conditions.

- 22.3. Claims by the applicant and counter-claims by representors have been made regarding the primary purpose of the development, which have been addressed primarily in Section 4 of this report. However, by means of conclusion on this issue, the main assessment focus must be the actual development itself and the potential impacts of this development, with reference to the relevant provisions of the Scheme. Council's Planning Consultants conclude that the primary purpose of the development best fits the "Pleasure Boat Facility" use class.
- 22.4. The impact on listed bird species, especially the fairy tern, has emerged as a major issue for several of the objectors, including Birdlife Tasmania. A condition of permit requiring referral of the proposal to the Commonwealth pursuant to the EPBC Act and the matter to be resolved prior to construction is considered to be the appropriate course of action for addressing this concern. Correspondence with Department suggests that 'self-assessment' is reasonable but that it is also reasonable to refer a matter where there is doubt or concern. Given Council have received differing opinions on this matter, it is considered prudent to refer the matter.
- 22.5. Other key potential impacts and concerns, such as ongoing maintenance and monitoring of the river and Raspin's beach, can be addressed by permit conditions.
- 22.6. Whilst elements of the application have generated some confusion and concern, the project itself, facilitating boat access to the Prosser River, is not considered unreasonable, subject to the additional requirements and conditions provided for in the proposed planning permit.
- 22.7. In summary, the proposed application for the relocation and stabilisation of the Prosser River mouth and the construction of two geo-textile bag training walls satisfies the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 as outlined in this report and is therefore recommended for approval.

23. Recommendations

That:

A. Pursuant to Section 57 of the Land Use Planning & Approvals Act 1993 and the Glamorgan Spring Bay Interim Planning Scheme 2015, that the application for "Pleasure Boat Facility" (Relocation and stabilisation of Prosser river mouth and construction of two geo-textile bag training walls) in the Open Space Zone and Environmental Management Zone at Land at the entrance of the Prosser River including Millington's Beach Conservation Area & Raspin's Beach Public Reserve (DA2015/00240), be APPROVED subject to the following conditions:

General

1. The use and development must be substantially in accordance with the documents and drawings that comprise the Development Application, except where modified below.
2. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, which ever is later, in accordance with section 53 of the *Land Use Planning And Approvals Act 1993*.
3. The development is to be undertaken in accordance with *Tasmanian Coastal Works Manual: A best practice management guide for changing coastlines*, Department of Primary Industries, Parks, Water and Environment – Tasmania, December 2010.

Stormwater

4. All stormwater outfalls located along the proposed Training Wall are to be designed and certified by a qualified and experienced civil engineer, or other suitably qualified person approved by Council's General Manager.
5. Detailed stormwater design is to be incorporated into the engineering design drawings and accompanied by detailed hydraulic calculations to the satisfaction of Council's General Manager.

Engineering

6. Engineering design drawings, to the satisfaction of the Council's General Manager, must be submitted to and endorsed by Council prior to the commencement of any works associated with the development. Engineering design drawings must include, but not be limited to:
 - A defined construction footprint including all existing and proposed levels.
 - All existing and proposed services required by this permit;
 - All existing and proposed marine work required by this permit;
 - all required navigational markers and signage;
 - Measures to be taken to limit or control erosion and sedimentation;
 - Any other work required by this permit.
7. Engineering design drawings are to be prepared and certified by a suitably qualified and experienced coastal engineer, or other suitably qualified person approved by Council's General Manager.
8. The developer shall appoint a qualified and experienced Supervising Engineer (or company registered to provide civil engineering consultancy services) who will be required to certify completion of construction works.

Services

9. The developer must pay the cost of any alterations, reinstatement or repair to existing services, Council infrastructure or private property incurred as a result of the proposed development works. Any work required is to be specified or undertaken by the authority concerned.

Environmental Management

10. Before any work commences, the developer must submit a Construction Environmental Management Plan (CEMP), or a series of CEMPs prior to construction of each stage, to the satisfaction of Council's General Manager. Once approved the CEMP will form part of this permit.
11. The development must be completed in accordance with the "Mitigation Measures" listed on page 27 of the "Prosser River Stabilisation: Flora and Fauna Assessment" prepared by Biosis (dated 2 October 2015) to the satisfaction of Council's General Manager.
12. The application must be referred to the Commonwealth Department of Environment (DoE) under the *Environment Protection and Biodiversity Conservation Act 1999* to assess the impact of the project on Fairy Terns. Works must not commence until the matter is determined by DoE.

Maintenance & Monitoring

13. Prior to works commencing, a Long Term Maintenance Plan, relating to the proposed structure, surrounding beaches and inlet and outlet zones, prepared by a suitably qualified person approved by Council's General Manager must be submitted to Council. The Long Term Maintenance Plan is to include:

- The responsible agency(s) for ongoing monitoring and maintenance, including detailed costs.
- A monitoring schedule detailing the frequency of monitoring and monitoring requirements, including standard and event based monitoring.
- Surveyed monitoring points must be provided throughout the study area.
- A maintenance schedule detailing maintenance requirements, including standard and event based maintenance. The maintenance schedule must include details regarding dredging, beach maintenance and maintenance of the proposed structure.
- Trigger levels must be provided for dredging maintenance and replenishment of sand at Raspins Beach.
- Possible failure mechanisms and contingency requirements must be considered in the Plan.

The Long Term Maintenance Plan shall form part of the permit when approved to the satisfaction of Council's General Manager.

Weed management

14. Prior to the carrying out of any works approved or required by this approval, the developer must provide a weed management plan detailing measures to be adopted to prevent the spread of weeds listed in the *Weed Management Act 1999*, through imported soil or land disturbance by appropriate water management and machinery and vehicular hygiene to the satisfaction of Council's Manager Natural Resources.

Defects Liability Period

15. All works associated with the development must be subject to a 12 month maintenance and defects liability period following the completion of the works in accordance with the permit conditions to the requirements of Council's General Manager.

'As constructed' Data

16. Upon completion of the works "as constructed" data of all engineering works provided as part of this approval must be provided to Council.

Construction amenity

17. The development must only be carried out between the following hours unless otherwise approved by the Council's General Manager:

- | | |
|---|-------------------------|
| • Monday to Friday | 7:00 a.m. to 6:00 p.m. |
| • Saturday | 8:00 a.m. to 6:00 p.m. |
| • Sunday and State-wide public holidays | 10:00 a.m. to 6:00 p.m. |

18. All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:

- (a) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.

- (b) The transportation of materials, goods and commodities to and from the land.
 - (c) Obstruction of any public footway or highway.
 - (d) Appearance of any building, works or materials.
19. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's General Manager.
20. Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
21. The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's General Manager.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. Builders waste, other than of a quantity and size able to be enclosed within a standard 140 Litre mobile garbage bin, will not be accepted at Council's Waste Management Centres. All asbestos based waste must be disposed of in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC: 2002(1988). No material containing asbestos may be dumped at Council's Waste Management Centres.
- C. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.
- D. Pursuant to Section 61 of the Land Use and Planning Approvals Act 1993, you may appeal against any of the conditions imposed on this approval by lodging with the Resource Management and Planning Appeal Tribunal, a notice of appeal, (telephone (03) 6233 6464). Any appeal is required by the Act to be instituted within fourteen days of the service of this approval on you.

APPENDIX A

APPENDIX B

Documents and Drawings that comprise Planning Application Number – DA2015/240

DEVELOPMENT ADDRESS:

Land at the entrance of the Prosser River
including Millington's Beach Conservation
Area & Raspin's Beach Public Reserve,
Orford

LIST OF DOCUMENTATION:

Description	Drawing Number/Revision/Author/Date, Report Author/Date, Etc
Aboriginal Heritage Tasmania Desktop Assessment	Author: Emily Smith Date: 17 July 2015
Flora and Fauna Habitat Assessment	Author: Biosis Date: 2 October 2015
Marine Ecological Impact Assessment (EIA)	Author: Marine Solutions Date: October 2015
Prosser River Entrance Stabilisation Project Planning Report	Author: All Urban Planning Date: December 2015
Prosser River Stabilisation – Design Basis Report (including Memorandum)	Author: Burbury Consulting Date: 25 September 2015 Rev: 1 (23.11.2015)
Further Information Response #1	Author: Biosis Date: 4 Feb 2016
Further Information Response #2	Author: MAST Date: 1 Feb 2016
Further Information Response #3	Author: Burbury Consulting Date: 28 Jan 2016
Update to Marine EIA	Author: Marine Solutions Date: 26 Feb 2016

Under Regulation 25 of Local Government (Meeting Procedures) Regulations 2005 the Chairperson hereby declares that the Council is no longer now acting as a Planning Authority under the provisions of the Land Use Planning and Approvals Act 1993 for Section 2 of the Agenda.

Recommendation
That Council no longer acts as a Planning Authority. (Time:)

3. Confidential Item (Closed Session)

The Mayor will declare the meeting closed to the public in order to discuss a confidential item. It is expected that the following item will be dealt with in a closed session.

- *Under regulation 15 of the Local Government Act 1993, the meeting will be closed to the public according to Regulation 15 (2) (c) contracts for the supply and purchase of goods or services.*

RECOMMENDATION

That Council moves into a closed session (Time).
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4. CLOSE

The Mayor will declare the Special Meeting closed at (Time).

CONFIRMED as a true and correct record.

Date:

Mayor Michael Kent AM