



# COUNCIL MEETING AGENDA

Monday 18 August 2025  
Council Chambers, St Helens

John Brown, General Manager  
Break O'Day Council  
12 August 2025

## NOTICE OF MEETING

Notice is hereby given that the next meeting of the Break O'Day Council will be held at the St Helens Council Chambers on Monday 18 August 2025 commencing at 10.00am.

### CERTIFICATION

Pursuant to the provisions of Section 65 of the *Local Government Act 1993*, I hereby certify that the advice, information and recommendations contained within this Agenda have been given by a person who has the qualifications and / or experience necessary to give such advice, information and recommendations or such advice was obtained and taken into account in providing the general advice contained within the Agenda.



**JOHN BROWN**  
**GENERAL MANAGER**  
Date: 12 August 2025

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## AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

All ordinary meetings, special meetings and annual general meetings will be live streamed using audio/visual technology. The audio/visual recording of Council Meetings will be published for 12 months and will be retained for two (2) years.

Other than an official Council recording, no video or audio recording of proceedings of Council Meetings shall be permitted without specific approval by resolution of the Meeting.

The streaming platform utilised for recording and streaming is setup specifically for Break O'Day Council and Council has full control of which meetings are streamed or uploaded for viewing. There is no ability for the public to comment, edit or download recordings in anyway. They can only be viewed via the Council link.

Participation in person at the Council Meeting is considered as providing your consent to livestreaming of that meeting.

*In accordance with the Local Government Act 1993 and Regulation 43 of the Local Government (Meeting Procedures) Regulations 2025, these audio files will be published on Council's website for 12 months and be retained for two (2) years. The written minutes of a meeting, once confirmed, prevail over the audio recording of the meeting and a transcript of the recording will not be prepared.*

## OPENING

*The Mayor to welcome Councillors and staff and declare the meeting open at 10.00am.*

## ACKNOWLEDGEMENT OF COUNTRY

*We acknowledge the Traditional Custodians of the land on which we work and live, the Palawa people of this land Tasmania, and recognise their continuing connection to the lands, skies and waters. We pay respects to the Elders Past, present and future.*

## LIVE AUDIO/VISUAL STREAMING OF COUNCIL MEETINGS

*Ladies and gentlemen, I would like to advise you that today's Council Meeting is being live streamed and recorded. This means that members of the public who are unable to attend in person can still observe the proceedings. By remaining in this chamber, you are consenting to being filmed and recorded. Please be mindful of your actions and contributions as they will be visible to the public. Thank you for your cooperation.*

## **08/25.1.0 ATTENDANCE**

### **08/25.1.1 Present**

Mayor Mick Tucker  
Councillor Gary Barnes  
Councillor Ian Carter  
Councillor Barry LeFevre  
Councillor Vaughan Oldham  
Councillor Kylie Wright

### **08/25.1.2 Apologies**

Deputy Mayor Kristi Chapple  
Councillor Liz Johnstone

### **08/25.1.3 Leave of Absence**

Councillor Janet Drummond

### **08/25.1.4 Staff in Attendance**

General Manager, John Brown  
Administration & Governance Support Officer, Linda Singline

## **08/25.2.0 PUBLIC QUESTION TIME**

Nil

## **08/25.3.0 DECLARATION OF INTERESTS OF A COUNCILLOR OR CLOSE ASSOCIATE**

*Section 48 or 55 of the Local Government Act 1993 requires that a Councillor or Officer who has an interest in any matter to be discussed at a Council Meeting that will be attended by the Councillor or Officer must disclose the nature of the interest in a written notice given to the General Manager before the meeting; or at the meeting before the matter is discussed.*

*A Councillor or Officer who makes a disclosure under Section 48 or 55 must not preside at the part of the meeting relating to the matter; or participate in; or be present during any discussion or decision making procedure relating to the matter, unless allowed by the Council.*

## **08/25.4.0                    CONFIRMATION OF MINUTES**

### **08/25.4.1                    Confirmation of Minutes – Council Meeting 21 July 2025**

#### **OFFICER’S RECOMMENDATION:**

That the minutes of the Council Meeting held on the 21 July 2025 be confirmed.

## **08/25.5.0    COUNCIL WORKSHOPS HELD SINCE 21 JULY 2025 COUNCIL MEETING**

There was a workshop held 4 August 2025 and the following items were listed for discussion.

- Presentation - East and Northeast Coast Education, Training & Employment Pathways – Fae Robinson
- Pending Development Application Updates
- State Coastal Policy actively mobile landforms amendment
- Northeast Coast Shorebird Working Group – Terms of Reference
- Establishment of Community Bendigo Bank – Financial Assistance
- Request to Waiver Interest and Penalty – Gardens Road, The Gardens
- Animal Control Report
- Transport Master Plan 2013-2018 Review
- Local Government Association of Tasmania (LGAT) – General Meeting November 2025 - Call for Motions
- Local Government (Meeting Procedures) Regulations remake 2025
- East and Northeast Coast Education, Training & Employment Pathways project
- Objections on removal of St Helens Aerodrome from public land register

## 08/25.6.0

## PLANNING AUTHORITY

Pursuant to Regulation 29 of the Local Government (Meeting Procedures) Regulations 2025 the Mayor informed the Council that it was now acting as a Planning Authority under the Land Use Planning and Approvals Act 1993.

### 08/25.6.1

### DA 085-2025 – 2/13 Sunnybank Close, St Helens - Visitor Accommodation - Additional Use for Visitor Accommodation

ACTION	DECISION
COUNCIL MEETING DATE	18 August 2025
PROPONENT	Michael Dondas
OFFICER	Alex McKinlay – Planning Officer
FILE REFERENCE	DA 2025 / 00085
ASSOCIATED REPORTS AND DOCUMENTS	<ol style="list-style-type: none"><li>1. Plans for Approval</li><li>2. Representation</li><li>3. Applicant's response to representation</li><li>4. Planning Scheme Assessment</li></ol>

#### OFFICER'S RECOMMENDATION:

- A. After due consideration of the application received and pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Tasmanian Planning Scheme – Break O'Day*, that the application for Visitor Accommodation - Additional Use for Visitor Accommodation on land situated at 2/13 Sunnybank Close, St Helens described in Certificate of Title 188350/2 be APPROVED subject to the following plans / documents and conditions:

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	Drawing 2/33	Design To Live	4/04/2025
U2 Floor Plan	Drawing 15/33	Design To Live	4/04/2025

#### CONDITIONS

CONDITION		TIMING
1.	Approved Plans and/or Document	
A.	Undertake Use in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
2.	Nuisance	
A.	Use of the development must not create a nuisance as defined by the <i>Environmental Management and Pollution Control Act 1994</i>	Maintained at all times.

#### ADVICE

1. This permit allows for the dual Residential Use and Visitor Accommodation Use of the existing dwelling at Unit 2/13 Sunnybank Close, St Helens (CT 188350/2).
2. **Prior to commencing the visitor accommodation use, it is strongly recommended that legal advice is obtained in relation to the restrictive covenants associated with Unit 2/13 Sunnybank Close, St Helens, and specifically with regards to restrictive covenant a (i) where it states the following:**

***‘(a) Not to erect on such a lot a main building that:***

***(i) Shall be used for any purpose other than a private dwelling house;’***

3. Prior to the commencement of the Visitor Accommodation Use, a completed and signed copy of a Building Self-Assessment Form must be submitted to Council via email to [admin@bodc.tas.gov.au](mailto:admin@bodc.tas.gov.au).

- B. That all external Referral Agencies for the development application be provided with a copy of the Council’s decision (Permit).

	Applicable Y/NA	Referral Agency
That all external Referral Agencies for the development application be provided with a copy of the Council’s decision (Permit)	N/A	N/A

- C. That the following information be included in the Permit.

Development Permit Information	Details
<i>Development Description</i>	Visitor Accommodation - Additional Use for Visitor Accommodation
<i>Relevant Period of Approval</i>	2 Years
<i>Other Necessary Permits</i>	Nil
<i>Attachments</i>	Nil
<i>Representations</i>	One (1)

## INTRODUCTION:

The applicant is seeking approval for the allocation of an additional use of visitor accommodation to the existing unit on the subject site at Unit 2/13 Sunnybank Close, St Helens.

## PREVIOUS COUNCIL CONSIDERATION:

Nil

## OFFICER'S REPORT:

### 1. The Proposal

The proposal is for an additional use of visitor accommodation being applied to the subject site at Unit 2/13 Sunnybank Close, St Helens (CT 188350/2). The property is subject to the 8.0 General Residential Zone from the Tasmanian Planning Scheme. Notably, the subject site has an existing three-bedroom unit/dwelling which was constructed as a result of previous approvals issued for *DA 018-2024 Residential – Construction of 2 x Dwellings* and this application seeks to apply the additional use of visitor accommodation to the entirety of the unit/dwelling.

### 2. Applicable Planning Assessment

- 8.0 General Residential Zone
- C2.0 Parking and Sustainable Transport Code

### 3. Referrals

- No referrals were required for this application.

### 4. Assessment

The application met the acceptable solutions for all issues except for reliance upon the performance criteria detailed below:

*Tasmanian Planning Scheme – State Planning Provisions Version 11:*

- **8.3.2 Visitor Accommodation (P2)**

Detailed assessment against the provisions of the *Tasmanian Planning Scheme* version 11 where the proposal was reliant on satisfying the performance criteria, is provided below.

**The proposal is deemed to comply with the performance criteria applicable.**

#### Planning Assessment

#### 8.0 General Residential Zone

#### 8.3 Use Standards

#### 8.3.2 Visitor Accommodation

Acceptable Solutions	Performance Criteria
<b>A2</b> Visitor Accommodation is not for a strata lot that is part of a strata scheme where another strata lot within that strata scheme is used for a residential use.	<b>P2</b> Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other strata lots within the strata scheme, having regard to: (a) the privacy of residents; (b) any likely increase in noise; (c) the residential function of the strata scheme; (d) the location and layout of the strata lots; (e) the extent and nature of any other non-residential uses; and (f) any impact on shared access and common property.

### **Performance Criteria Assessment**

The proposed additional use of visitor accommodation to the existing unit at Unit 2/13 Sunnybank Close, St Helens, is unable to satisfy the acceptable solution and as such assessment against the performance criteria will be required.

The existing three-bedroom unit (unit two) is located within a strata scheme and in addition to the adjoining unit (unit one), both structures have an approved residential use via the planning permit issued for *DA 018-2024 Residential – Construction of 2 x Dwellings*. However, the performance criteria can be considered appropriately satisfied as evident in the completed assessment below:

- (a) There is an existing 1.8m high colorbond fence which currently contributes to providing screening between both the subject site and unit one. Accordingly, the physical separation between both units should maintain an appropriate level of privacy between residents of unit one and visitors of unit two.
- (b) Any noise generated by the proposed additional use for visitor accommodation for unit two will likely be comparable to noise generated by a residential use (i.e. permanent residents or tenants). It is worth noting that given the nature of visitor accommodation, the structure will likely be unoccupied between bookings with regard being given to cleaning/maintenance.
- (c) Since this application is not for a change of use but rather the allocation of an additional use of visitor accommodation, it is unlikely to compromise the residential nature of the strata scheme since the existing residential use right will remain in effect (i.e. dual use of unit two for either residential or visitor accommodation purposes).
- (d) The strata scheme that unit two is located within comprises the entirety of 13 Sunnybank Close, St Helens and notably the strata lot of the unit is situated towards the south of strata lot one which contains unit one.
- (e) There are currently no other uses (i.e. non-residential) approved on the subject site. No further assessment is required.
- (f) The site plan demonstrates that access from Sunnybank Close to both units are achieved via a 7.6m wide crossover in addition to being serviced by an 8m wide concrete driveway. Therefore, due to the access arrangements, it is reasonable to conclude that any impact that the proposed additional use of visitor accommodation for unit two might have regarding the shared access and common property, is likely to be minimal and not unreasonable.

### **5. Representations**

The application was advertised 28th June 2025 to 11th July 2025 in the Examiner Newspaper, notices on-site and at the Council Chambers and notification by mail to all adjoining landowners. One (1) representation was received prior to the closing date and time. The issues raised within the representation are as follows:-

## Representation 01:

Issue	Response
Property is subject to a covenant which prohibits visitor accommodation as seen within covenant a (i) of the schedule of easements associated with the property. Use of the unit for visitor accommodation would contravene the restriction with regard being given to section 94 (5) (b) of the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> .	Council has received legal advice on these matters previously with confirmation being provided that no regard can be given to covenants during the assessment of a planning application. Accordingly, this is a civil matter and there is separate process to address this should the representor wish to pursue this further.
The proposed visitor accommodation does not satisfy clause 8.3.2 <i>Visitor Accommodation</i> and is likely to cause an unreasonable loss of residential amenity.	The requirements of Acceptable Solution <b>A1</b> of clause 8.3.2 <i>Visitor Accommodation</i> can be satisfied due to the proposed visitor accommodation being able to accommodate guests within an existing habitable building which as a gross floor area less than 200m <sup>2</sup> . However, assessment against performance criteria <b>P2</b> was required since the subject site is a strata lot within an existing strata scheme. As demonstrated within the Planning Officer's assessment, the application is able to adequately satisfy the performance criteria which is predominantly concerned with assessing the impacts on the residents of other strata lots within the strata scheme.
Page 3 of the submitted representation provided the following commentary on visitor accommodation:  <i>'While not strictly a planning issue that can be addressed through the TPS alone, visitor accommodation is nevertheless having a significant impact on the town by reducing available housing stock for local residents and contributing to a loss of community. This established trend — driven by the greed of 'investors' — has turned the town into a 'ghost town' that can no longer sustain the services and social fabric needed by permanent residents. It is deeply disappointing that Break O'Day Council, which should serve and foster its permanent community, has failed to act or even acknowledge the dire impacts that visitor accommodation is having on what was once a unique and thriving town with many local attributes'.</i>	The general commentary provided on visitor accommodation has been noted but it is not applicable to the assessment of this application against the current Tasmanian Planning Scheme.

The recommendation for approval has been made following due consideration of the representation and comments.



## 6. Mediations

- No mediation occurred.

## 7. Conclusion

In accordance with 6.10 of the *State Planning Provisions (Tasmanian Planning Scheme)*, the application has been assessed against the objectives of the Scheme, in particular the 8.0 General Residential Zone and all relevant Codes and issues. The application has demonstrated compliance with the Acceptable Solutions and one (1) Performance Criterion. The received representation has been considered.

It is recommended for approval with conditions normally set to this type of development.

### STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

#### Goal

Environment - To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

#### Key Focus Area

Appropriate Development - Encourage sensible and sustainable development through sound land use planning, building and design.

### LEGISLATION & POLICIES:

*Tasmanian Planning Scheme – Break O'Day*

*Land Use Planning and Approvals Act 1993*

*Local Government (Building and Miscellaneous Provisions) Act 1993*

### BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Not applicable, all costs of the development are the responsibility of the developer.

### VOTING REQUIREMENTS:

Simple Majority

ACTION	DECISION
COUNCIL MEETING DATE	18 August 2025
PROPONENT	Darron Bakes, Michelle Bakes
OFFICER	Alex McKinlay
FILE REFERENCE	DA 2025 / 00036
ASSOCIATED REPORTS AND DOCUMENTS	<ol style="list-style-type: none"> <li>1. Plans for Approval</li> <li>2. Representations (01 and 02)</li> <li>3. Applicant's Response to Representations</li> <li>4. Planning Scheme Assessment</li> </ol>

**OFFICER'S RECOMMENDATION:**

- A. After due consideration of the application received and pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Tasmanian Planning Scheme – Break O'Day*, that the application for Residential - Construction of a Second Dwelling (Multiple Dwelling) on land situated at 41 Moriarty Road, Stieglitz described in Certificate of Title 240662/38 be APPROVED subject to the following plans / documents and conditions:

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Cover Page	01	AJM Drafting	10/02/2025
Existing Site Plan	02	AJM Drafting	10/02/2025
Proposed Site Plan	03	AJM Drafting	10/02/2025
Floor Plan	04	AJM Drafting	10/02/2025
Window Setout	05	AJM Drafting	10/02/2025
Drainage Plan	06	AJM Drafting	10/02/2025
Setout Plan	07	AJM Drafting	10/02/2025
Wall Framing Plan	08	AJM Drafting	10/02/2025
Roof Framing Plan	09	AJM Drafting	10/02/2025
Roof Plan	10	AJM Drafting	10/02/2025
Elevations	11	AJM Drafting	10/02/2025
Section A-A	12	AJM Drafting	10/02/2025
Reflective Ceiling Plan	13	AJM Drafting	10/02/2025
Finishing Plan	14	AJM Drafting	05/02/2025
Waterproofing	15	AJM Drafting	10/02/2025
NNC Notes	16	AJM Drafting	Nil
Shadow Plan - June	17	AJM Drafting	10/02/2025
Shadow Plan – Dec	18	AJM Drafting	10/02/2025
Planning Support Statement	Nil	AJM Drafting	Received 19/06/2025

**CONDITIONS**

CONDITION		TIMING
<b>1</b>	<b>Approved Plans and/or Document</b>	
A	Undertake development in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
<b>2</b>	<b>Second Dwelling (Multiple Dwelling)</b>	
A	If a visitor accommodation use is sought for the dwelling, a further development application must be lodged with Council to seek approval for the allocation of an additional use to the dwelling.	Prior to use and maintained at all times.
<b>3</b>	<b>Residential Use Car Parking</b>	
A	The areas shown to be set aside for vehicle access and car parking must be: <ul style="list-style-type: none"> <li>a. completed before the use of the development;</li> <li>b. constructed with a durable all weather pavement and drained in a manner that will not cause stormwater nuisance.</li> </ul>	Prior to use and maintained at all times.
<b>4</b>	<b>Vehicle Crossover and Stormwater</b>	
A	The crossovers (Entry 2 & 3 on the proposed site plan) from the kerb to the property boundary must be constructed in accordance with standard drawing TSD-R09-v3.	Prior to use and maintained at all times.
B	The new stormwater connection at the kerb must be completed by a licenced plumber in accordance with standard drawing TSD-SW29-v3.	Prior to use and maintained at all times.
C	A grated strip drain is required across both driveways at the property boundary to prevent sheet flows of water onto the road. The grated strip drains must be connected to discharge into the proposed kerb connection point.	Prior to use and maintained at all times.
D	Prior to any work commencing on the stormwater connection and/or the crossovers a permit to work in the road reservation must be obtained by submitting a Works Permit application form.	Prior to commencement of work.
<b>5</b>	<b>TasWater</b>	
A	All works must be in accordance with the conditions of the Submission to Planning Authority Notice (SPAN) by TasWater, TWDA 2025/00289-BODC as attached to this permit	Prior to use and maintained at all times.
<b>6</b>	<b>Demolition</b>	
A	During demolition all existing materials must be checked for the presence of asbestos and if found, handling, protection and disposal must be carried out in accordance with the requirements of Work Safe Tasmania and Safe Work Australia "How to Safely Remove Asbestos Code of Practice (2018)".	At all times.

<b>7</b>	<b>Nuisance</b>	
A	Use of the development must not create a nuisance as defined by the Environmental Management and Pollution Control Act 1994.	At all times.
B	During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.	Prior to use and maintained at all times.
C	All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.	At all times.
<b>8</b>	<b>Underground Infrastructure</b>	
A	All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works.	Prior to site works and maintained at all times.

#### ADVICE

- Activities associated with construction works are not to be performed outside the permissible time frames listed:

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

- That all external Referral Agencies for the development application be provided with a copy of the Council's decision (Permit).

	<b>Applicable Y/NA</b>	<b>Referral Agency</b>
That all external Referral Agencies for the development application be provided with a copy of the Council's decision (Permit)	N/A	N/A

C. That the following information be included in the Permit.

Development Permit Information	Details
<i>Development Description</i>	Residential - Construction of a Second Dwelling (Multiple Dwelling)
<i>Relevant Period of Approval</i>	2 Years
<i>Other Necessary Permits</i>	Works Permit
<i>Attachments</i>	TasWater's Submission to Planning Authority Notice (TWDA 2025/00289-BODC)
<i>Representations</i>	Two (2)

## INTRODUCTION:

The applicant is seeking approval for the construction of a second dwelling (multiple dwelling) and associated works on the subject site at 41 Moriarty Road, Stieglitz (CT 240662/38).

## PREVIOUS COUNCIL CONSIDERATION:

Nil

## OFFICER'S REPORT:

### 1. The Proposal

The proposal is for the construction of a second dwelling on the 993m<sup>2</sup> subject site and specifically includes the following:

- Demolition of existing outbuilding;
- Construction of a four-bedroom second dwelling structure (note: study has the potential to be utilised as a fifth bedroom) which further includes the kitchen, dining room, lounge room, study, and laundry on the ground floor while the first floor will contain the master bedroom with its associated ensuite and walk-in wardrobe. The structure will have a building height of 6.08m and a total gross floor area of 156.7807m<sup>2</sup>;
- Formalisation of crossovers regarding entry two and three including the construction of two concrete driveways;
- Installation of a privacy fence at the end of the concrete driveway associated with entry two; and
- Installation of a new stormwater kerb connection point along Rosendale Street within proximity to the formalised crossover for entry two.

### 2. Applicable Planning Assessment

- 8.0 General Residential Zone
- C2.0 Parking and Sustainable Transport Code
- C3.0 Road and Railway Assets Code
- BRE-S2.0 Stormwater Management Specific Area Plan

### 3. Referrals

- Works Department - An initial referral was issued to Council's Works Department on the 26/03/2025 regarding stormwater and crossover matters. Due to the requirement for additional information, a number of referrals were subsequently issued, and confirmation was sought as to whether the site had sufficient fall for a new kerb connection. In response to the last referral issued for this application, Council's Works Department provided the following conditions:
  - *The crossovers (Entry 2 & 3 on the proposed site plan) from the kerb to the property boundary must be constructed in accordance with standard drawing TSD-R09-v3.*
  - *The new stormwater connection at the kerb must be completed by a licenced plumber in accordance with standard drawing TSD-SW29-v3.*
  - *Prior to any work commencing on the stormwater connection and/or the crossovers a permit to work in the road reservation must be obtained by submitting a Works Permit application form.*
- TasWater – A referral was issued on the 26/03/2025 with a subsequent response being provided on the 3/04/2025 and specifically included TasWater's Submission to Planning Authority Notice.

### 4. Assessment

The application met the acceptable solutions for all issues except for reliance upon the performance criteria detailed below:

*Tasmanian Planning Scheme – Break O'Day State Planning Provisions Version 10:*

- *8.4.2 Setbacks and building envelope for all dwellings (P3)*
- *8.4.3 Site coverage and private open space for all dwellings (P2)*
- *C2.6.3 Number of accesses for vehicles (P1)*

Detailed assessment against the provisions of the *Tasmanian Planning Scheme* version 10 where the proposal was reliant on satisfying the performance criteria, is provided below.

**The proposal is deemed to comply with the performance criteria applicable.**

#### **Planning Assessment**

##### **8.0 General Residential**

##### **8.4 Development Standards for Dwellings**

##### **8.4.2 Setbacks and building envelope for all dwellings**

Acceptable Solutions	Performance Criteria
<b>A3</b> A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:	<b>P3</b> The siting and scale of a dwelling must: <ul style="list-style-type: none"><li>a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:<ul style="list-style-type: none"><li>i. reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</li></ul></li></ul>

<p>a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:</p> <ul style="list-style-type: none"> <li>i. a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</li> <li>ii. projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</li> </ul> <p>b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <ul style="list-style-type: none"> <li>i. does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</li> <li>ii. does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</li> </ul>	<ul style="list-style-type: none"> <li>ii. overshadowing the private open space of a dwelling on an adjoining property;</li> <li>iii. overshadowing of an adjoining vacant property; and</li> <li>iv. visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</li> </ul> <p>b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</p> <p>c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <ul style="list-style-type: none"> <li>i. an adjoining property; or</li> <li>ii. another dwelling on the same site.</li> </ul>
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### Performance Criteria Assessment

The proposed construction of a second dwelling (multiple dwelling) on the subject site at 41 Moriarty Road, Stieglitz, is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required.

As shown on the site plan, the proposed second dwelling which has a total building height of 6.08m will have a 0.9m setback to the western side boundary thereby resulting in the structure being unable to be sited within the building envelope for corner lots shown within figure 8.2. However, the performance criteria can be considered appropriately satisfied as evident in the completed assessment below:

(a)

- (i) Due to the orientation of the subject site, the proposed second dwelling will be located south-west of the adjoining property at 39 Moriarty Road, Stieglitz, which the provided shadow plans demonstrate that overshadowing impacts are to be minimal. It is worth noting that the closest habitable room windows of the dwelling on the adjoining property at 39 Moriarty Road, Stieglitz, are located approximately 4m from the common boundary. Accordingly, it is

reasonable to conclude that any potential overshadowing impacts will not occur until late in the afternoon thereby affording unobstructed sunlight to the adjoining property for most of the day.

- (ii) As shown on the site plan, the proposed second dwelling will be located parallel to the dwelling on 39 Moriarty Road, Stieglitz thereby ensuring that the private open space located towards the rear of the adjoining property will remain unaffected.
- (iii) N/A – the subject site does not adjoin vacant land. No further assessment is required.
- (iv) Due to the proximity of the proposed second dwelling to the western boundary, there will be some visual impact for the adjoining property at 39 Moriarty Road, Stieglitz. Specifically, the structure will have a total building height of 6.08m, a 0.9m setback to the eastern side boundary and a gross floor area of 156.7807m<sup>2</sup> (note: Ground Floor = 110m<sup>2</sup> and First Floor = 46.7807m<sup>2</sup>). The design of the structure demonstrates a reasonable level of articulation due to the inclusion of roof and wall cladding and in conjunction with the stepped building profile, it is reasonable to conclude that the visual impact associated with the development will not contribute towards an adverse visual impact. It is worth noting that there is an existing colorbond fence along the common boundary between the subject site and the adjoining property (39 Moriarty Road, Stieglitz) in addition to the current placement of an existing garden shed and two water tanks along the south-western side of the existing dwelling on 39 Moriarty Road, Stieglitz.

- (b) The setback distance to side boundaries (i.e. less than 1.5m) on the subject site is consistent with established properties within the surrounding area. Specifically, there are several established properties that include either the dwelling and or subservient outbuildings that have a side boundary setback less than 1.5m with such examples including but not limited to:

- 77 Peron Street, Stieglitz
- 22 Moriarty Road, Stieglitz
- 26 Moriarty Road, Stieglitz

- (c) N/A – the existing dwelling on the adjoining property (39 Moriarty Road, Stieglitz) does not contain solar energy installations nor does the existing dwelling on the subject site. No further assessment is required.

#### 8.4.3 Site coverage and private open space for all dwellings

Acceptable Solutions	Performance Criteria
<b>A2</b> A dwelling must have private open space that: <ul style="list-style-type: none"> <li>a) is in one location and is not less than: <ul style="list-style-type: none"> <li>i. 24m<sup>2</sup>; or</li> <li>ii. 12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is</li> </ul> </li> </ul>	<b>P2</b> A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is: <ul style="list-style-type: none"> <li>a) conveniently located in relation to a living area of the dwelling; and</li> <li>b) orientated to take advantage of sunlight.</li> </ul>



<p>entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>b) has a minimum horizontal dimension of not less than:</p> <ul style="list-style-type: none"> <li>i. 4m; or</li> <li>ii. 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</li> </ul> <p>c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>d) has a gradient not steeper than 1 in 10.</p>	
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#### **Performance Criteria Assessment**

The proposed construction of a second dwelling (multiple dwelling) on the subject site at 41 Moriarty Road, Stieglitz, is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required.

Although a private open space exceeding 24m<sup>2</sup> can be accommodated with horizontal dimensions exceeding 4m and on land with a gradient less than 1 in 10, the private open space will be provided to the south of the proposed second dwelling (i.e. between the dwelling and both frontages associated with the property). Notably, the area proposed for development on the subject site is currently covered in a gravel surface as seen below but with reference to both the site plan and planning support statement, it is evident that private open space can be provided near the southern and western side of the structure (i.e. proximity to the kitchen and dining room via the front door and lounge room via by-fold doors). Therefore, it is reasonable to conclude that sufficient private open space can be located within proximity to living areas of the proposed structure and can take advantage of sunlight during various stages of the day thereby satisfying the performance criteria.



C2.0 Parking and Sustainable Transport Code  
 C2.6 Development Standards for Buildings and Works  
 C2.6.3 Number of accesses for vehicles

Acceptable Solutions	Performance Criteria
<b>A1</b> The number of accesses provided for each frontage must: <ul style="list-style-type: none"> <li>(a) be no more than 1; or</li> <li>(b) no more than the existing number of accesses,</li> </ul> whichever is the greater.	<b>P1</b> The number of accesses for each frontage must be minimised, having regard to: <ul style="list-style-type: none"> <li>(a) any loss of on-street parking; and</li> <li>(b) pedestrian safety and amenity;</li> <li>(c) traffic safety;</li> <li>(d) residential amenity on adjoining land; and</li> <li>(e) the impact on the streetscape.</li> </ul>
<b>Performance Criteria Assessment</b>  The proposed construction of a second dwelling (multiple dwelling) on the subject site at 41 Moriarty Road, Stieglitz, is unable to satisfy the acceptable solution and as such assessment against the performance criteria will be required.  The site plan demonstrates that this application includes the construction of two additional crossovers which will result in two crossovers being present along on Rosendale Street (note: there is an existing crossover that currently provides access to the existing dwelling on the subject site) and one crossover along Moriarty Road. However, the performance criteria can be considered appropriately satisfied as evident in the completed assessment below:	

- (a) Due to the size of the subject site (note: 993m<sup>2</sup>) which can be characterised as a corner lot, the locations of the proposed/access are unlikely to affect the provision of on-street parking.
- (b) The locations of the additional crossovers are unlikely to affect pedestrian safety or amenity as neither side of the street are serviced by the provision of a pedestrian footpath.
- (c) The subject site is located along residential street/s with a speed limit of 50km/h and in response to a referral of this application, Council's Works Department as the relevant road authority provided the following advice on the 1/04/2025 in relation to the formalisation of the additional crossovers:

*'I note that there are already 3 vehicle access points/gates to the property. The first one to the existing house and then another two which have not had the crossovers constructed and they have placed metal plates as a ramp over the kerb. Due to the size of the property and the double street frontage we will allow all access points however both newer ones will need to be upgraded in accordance with standard drawing TSD-R09-v3'.*

- (d) The formalisation of the two additional crossovers is unlikely to impact the residential amenity with regards to adjoining land as the crossovers will be providing access to the proposed residential development with further regard being given to the size (993m<sup>2</sup>) and characteristics of the property (corner lot).
- (e) Similar to the above assessment completed for criterion (d), there will be minimal impact associated with the construction of the additional crossovers to the streetscape with consideration being given to the size (993m<sup>2</sup>) and characteristics of the property (corner lot). Additionally, it is worth noting that there are a number of corner lots within the surrounding area that have multiple accesses with examples including:
  - 71 Peron Street, Stieglitz
  - 334 St Helens Point Road, Stieglitz
  - 22 Peron Street, Stieglitz
  - 37 Peron Street, Stieglitz

## 5. Representations

The application was advertised 28th June 2025 to 11th July 2025 in the Examiner Newspaper, notices on-site and at the Council Chambers and notification by mail to all adjoining landowners. Two (2) representation was received prior to the closing date and time. The issues raised within the representation are as follows:-

### Representation 01:

Issue	Response
Shadow plans do not accurately show the shape of the proposed dwelling and are concerned with the overshadowing during summer (daylight savings) on the south-western side of the adjoining property.	Refer to Planning Officer's completed planning scheme assessment for performance criteria P3 of clause 8.4.2 <i>Setbacks and building envelope for all dwellings</i> . It is worth noting that the shape of the proposed second dwelling shown on the site plan is consistent with the provided floor plans. Specifically, the floor plan demonstrates that both the 11m by

	10m (110m <sup>2</sup> ) ground floor in addition to the 6.91m by 6.77m (46.7807m <sup>2</sup> ) is rectangular in shape.
Contend that the proposed development will have a visual, overshadowing and privacy impact due to both the height and proximity of the structure.	Refer to Planning Officer's completed planning scheme assessment for performance criteria P3 of clause 8.4.2 <i>Setbacks and building envelope for all dwellings</i> .
Incorrect characterisation of an adjoining dwelling and unclear of the orientation of the structure.	<p>Please refer to the applicant's response which details the incorrect characterisation and orientation of the second dwelling structure as seen below:</p> <p><b>A. Response to Neighbour's Concern Regarding Streetscape Description on Page 21</b></p> <p><i>We acknowledge the neighbour's observation regarding the description of their dwelling on <b>Page 21</b> of the planning documents, which refers to it as a <b>two-storey A-frame</b>. This was an <b>inadvertent misidentification</b>, and we sincerely accept that their dwelling does not adopt that specific built form.</i></p> <p><i>However, the intent of the description on Page 21 was not to provide a detailed architectural analysis of each neighbouring dwelling, but rather to <b>demonstrate that two-storey forms—including A-frame dwellings—exist in the immediate streetscape</b>, and therefore that the <b>proposed building scale is contextually appropriate</b>.</i></p> <p><i>To clarify:</i></p> <ul style="list-style-type: none"> <li><i>• The <b>dwelling immediately east</b> of the neighbour's property is indeed a <b>two-storey A-frame residence</b>, and the dwelling <b>east of that again</b> also presents as a <b>two-storey A-frame</b>. This confirms that <b>multi-storey built forms are established within the local streetscape</b>, even if the specific dwelling in question is not one of them.</i></li> <li><i>• The reference to A-frames was used to illustrate the <b>variety of roof profiles and building heights</b> already present in the area, reinforcing the position that the proposed two-storey dwelling is <b>not visually inconsistent or out of scale</b> with neighbouring development.</i></li> </ul> <p><i>We will gladly correct this detail in the final documentation to accurately reflect the built form of the neighbour's home. However, this</i></p>

	<i>clarification <b>does not alter the overall planning rationale</b> that the <b>proposed height and massing are compatible with the broader character of the street</b>, and therefore comply with the <b>Performance Criteria of Clause 10.4.2 P3</b> of the Tasmanian Planning Scheme.</i>
Queries the proximity of the structure to the eastern side boundary and whether it could be moved to a more central position due to overshadowing impacts in summer and late afternoon winter.	<p>Please refer to the applicant's response which clarifies the reasoning behind the siting of the second dwelling structure closer to the eastern side boundary as seen below:</p> <p><b>2. Setback from Eastern Boundary and Site Positioning</b></p> <p><i>The siting of the dwelling toward the eastern side of the block is the result of a <b>functional and balanced site layout</b>, which accommodates:</i></p> <ul style="list-style-type: none"> <li>• <b>Vehicle access and turning</b> from Rosendale Road,</li> <li>• The orientation of <b>private open space</b>, consistent with energy efficiency design principles,</li> <li>• The need to maintain privacy and separation between internal and external living areas across the site.</li> </ul> <p><i>Although the site is of a reasonable width, <b>repositioning the dwelling further west would reduce the quality of private open space, compromise internal amenity, and potentially result in a less efficient layout</b>, all while not necessarily delivering any measurable improvement in shadowing outcomes, given the solar path and building height controls already satisfied.</i></p>

## Representation 02:

Issue	Response
Entries two and three shown on the site plan are not authorised, improper driveway crossings and constructed without approval.	Both entries two and three are proposed to be formalised as part of this application via the construction of two concrete crossovers in accordance with the conditions provided by Council's Works Department. The placement of metal plates/ramp currently facilitate the informal access to both entry two and three.
Entry two and three have been improperly made via steel plates over the kerb.	See above.
Location of entry three creates a road safety hazard as the entry/exit is not visible to traffic with regards to Rosendale Street/Moriarty Road.	Refer to Planning Officer's completed planning scheme assessment for performance criteria <b>P1</b> of clause <b>C2.6.3 Number of accesses for vehicles</b> .

Provided an overview of the outcome of a previous meeting/proposal for a second crossover for their property along Moriarty Road which would require a Traffic Impact Assessment and likely would not permit a second crossover.	Please be advised that the provision of a Traffic Impact Assessment was a specific requirement under the previous Break O'Day Interim Planning Scheme. Under the current Tasmanian Planning Scheme, a Traffic Impact Assessment would usually be requested if assessment against performance criteria <b>P1</b> of clause <i>C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction</i> from the C3.0 Road and Railway Assets Code but it is not necessarily required. This application satisfied the acceptable solution for the abovementioned clause.
There are a number of properties with unauthorised/unapproved second entry points giving a shanty town appearance.	Refer to Planning Officer's completed planning scheme assessment for performance criteria <b>P1</b> of clause <i>C2.6.3 Number of accesses for vehicles</i> .

The recommendation for approval has been made following due consideration of the representation and comments.

## 6. Mediations

- No mediation occurred.

## 7. Conclusion

In accordance with 6.10 of the *State Planning Provisions (Tasmanian Planning Scheme)*, the application has been assessed against the objectives of the Scheme, in particular the 8.0 General Residential Zone all relevant Codes and issues. The application has demonstrated compliance with the Acceptable Solutions and three (3) Performance Criterion. The received representation has been considered.

It is recommended for approval with conditions normally set to this type of development.

## STRATEGIC PLAN & ANNUAL PLAN:

### Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

#### Goal

Environment - To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

#### Key Focus Area

Appropriate Development - Encourage sensible and sustainable development through sound land use planning, building and design.

## **LEGISLATION & POLICIES:**

*Tasmanian Planning Scheme – Break O’Day*

*Land Use Planning and Approvals Act 1993*

*Local Government (Building and Miscellaneous Provisions) Act 1993*

## **BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

Not applicable, all costs of the development are the responsibility of the developer.

## **VOTING REQUIREMENTS:**

Simple Majority

*The Mayor advised the Council that it had now concluded its meeting as a Planning Authority under Regulation 29 of the Local Government (Meeting Procedures) Regulations 2025.*



08/25.7.0 COUNCIL MEETING ACTIONS

08/25.7.1 Outstanding Matters



COUNCIL RESOLUTIONS - MEETINGS - PUBLIC  
12/08/2025



COUNCIL RESOLUTIONS PLAN

COUNCIL RESOLUTIONS - JULY 2025

Current Co...	Meeting ...	Due Date	Goal	Resolution / Action	Update	Owner
100%	21/07/2025	18/08/2025	07/25.6.2 .632 DA 025-2025 Construction of a Dwelling and Outbuildings - 98 Grant Street, Falmouth	07/25.6.2.632 Moved: Clr K Chapple/ Seconded: Clr K Wright  1. After due consideration of the application received and pursuant to Section 57 of the Land Use Planning & Approvals Act 1993 and the Tasmanian Planning Scheme – Break O'Day, that the application for Construction of a Dwelling and Outbuildings on land situated at 98 Grant Street, Falmouth described in Certificate of Title 115262/1 be APPROVED subject to the following plans / documents and conditions:	Planning Permit issued 23rd July 2025	Development Services Coordinator
100%	21/07/2025	18/08/2025	07/25.6.3.633 DA 055-2025 Residential - Demolition of Existing Outbuildings, Construction of Dwelling Additions and Alterations – 298 St Helens Point Road, Stieglitz	07/25.6.3.633 Moved: Clr I Carter/ Seconded: Clr K Chapple  1. After due consideration of the application received and pursuant to Section 57 of the Land Use Planning & Approvals Act 1993 and the Tasmanian Planning Scheme – Break O'Day, that the application for Demolition of Existing Outbuildings, Construction of Dwelling Additions and Alterations on land situated at 298 St Helens Point Road, Stieglitz described in Certificate of Title 242677/8 be APPROVED subject to the following plans / documents and conditions:	Planning Permit issued 23rd July 2025	Development Services Coordinator



Current Co...	Meeting ...	Due Date	Goal	Resolution / Action	Update	Owner
100%	21/07/2025	18/08/2025	07/25.6.4.634 DA 213-2024 Subdivision – 3 Lot Subdivision - 42 Seaview Avenue, Beaumaris	07/25.6.4.634 Moved: Clr K Chapple/ Seconded: Clr I Carter  Approval is recommended with extra conditions.  1. Pursuant to Section 57 of the <i>Land Use Planning &amp; Approvals Act 1993</i> and the <i>Tasmanian Planning Scheme – Break O’Day</i> , that the application for Subdivision - 3 Lot Subdivision on land situated at 42 Seaview Avenue, Beaumaris (CT169790/1) ROW (CT169790/2) and New Shared Crossover/Access with (CT62113/2) be APPROVED subject to the following plans / documents and conditions:	Planning Permit issued 24th July 2025	Development Services Coordinator
25%	21/07/2025	30/09/2025	07/25.9.1.635 St Mary's Exhibition Building Formation of a liaison committee during restoration period 2025/2026 – Clr Johnstone	07/25.9.1.635 Moved: Clr L Johnstone/ Seconded: Clr J Drummond  <i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i>  <b>That Council:</b>  Establish, as soon as practicable in the second half of 2025, a liaison committee to oversee the repair and maintenance of the St Marys Exhibition Building for community use, including oversight of the expenditure of the \$100,000 allocated in the 2025/26 Budget. The committee shall comprise: · Two representatives from the Break O’Day community · Two Council staff · One Councillor  The committee shall be chaired by the Council officer responsible for managing the restoration project. Draft Terms of Reference for the committee are to be prepared and made available for public review.  CARRIED UNANIMOUSLY	A report is currently being prepared for consideration at the September Council meeting	Development Services Coordinator

Current Co...	Meeting ...	Due Date	Goal	Resolution / Action	Update	Owner
100%	21/07/2025	18/08/2025	07/25.13.4.639 Policy review – AM01 Asset Recognition and Depreciation Policy	07/25.13.4.639 Moved: Clr K Wright/ Seconded: Clr G Barnes  That Council:  1. Endorse the revised Asset Recognition and Depreciation Policy (AM01) as attached to this report; and 2. Rescinds the previous version of the policy adopted on 20 December 2021 (Minute No. 12/21.13.4.264).  CARRIED UNANIMOUSLY	Policy updated and placed in trim and on website.	Corporate Services Coordinator
100%	21/07/2025	18/08/2025	07/25.14.3.642 Policy review – EP06 Tree Management Policy	07/25.14.3.642 Moved: Clr G Barnes/ Seconded: Clr K Wright  That Policy EP06 Tree Management Policy be accepted with minor amendment.  CARRIED UNANIMOUSLY	Policy updated and placed in trim and on website.	Corporate Services Coordinator
100%	21/07/2025	18/08/2025	07/25.14.4.643 Policy review – AM15 Asset Disposal Policy	07/25.14.4.643 Moved: Clr V Oldham/ Seconded: Clr K Wright  That Policy AM15 Asset Disposal Policy be accepted with minor amendment.  CARRIED UNANIMOUSLY	Policy updated and placed in trim and on website.	Corporate Services Coordinator
100%	21/07/2025	18/08/2025	07/25.15.2.645 Sponsorsh iprequest – A Festival Called George	07/25.15.2.645 Moved: Clr I Carter/ Seconded: Clr V Oldham  1. That Council supports this event by granting a full waiver for the hire, installation, and removal of 8 banner poles. 2. That Council does not support a \$2,000 financial sponsorship to this business in delivering a satellite event as part of the broader "A Festival Called George" event.  CARRIED UNANIMOUSLY	Decision of Council actioned	Community Services Officer
100%	21/07/2025	18/08/2025	07/25.15.3.646 Sponsorsh iprequest – St Helens Flower Show	07/25.15.3.646 Moved: Clr I Carter/ Seconded: Clr K Wright  1. That Council provide \$1,000 to assist the Scamander Garden Club with their event "A Burst of Summer Flower Show in the Bay of Fires" which is being held on 31 January 2026 2. That Council include the sum of \$1,000 in any future budgets for this event as Council sponsorship  CARRIED UNANIMOUSLY	Decision of Council actioned	Community Services Officer

Current Co...	Meeting ...	Due Date	Goal	Resolution / Action	Update	Owner
25%	21/07/2025	31/08/2025	<b>07/25.15.4.647 CCTV Cameras at Mathinna Recreation Ground</b>	<p>07/25.15.4.647 Moved: Clr I Carter/ Seconded: Clr K Wright</p> <p>That Council investigate the installation of security cameras at the Mathinna Recreation Ground in response to ongoing reports of alleged inappropriate or anti-social behaviour occurring on weekends and pursue relevant grant funding opportunities to cover the associated installation costs.</p> <p>CARRIED UNANIMOUSLY</p>	The supplier of the existing camera system has been asked to provide a quotation for cameras at Mathinna	Community Services Officer
100%	21/07/2025	18/08/2025	<b>07/25.16.2.649 Appointmen tof Break O'Day Council Natural Resource Management Committee representative</b>	<p>07/25.16.2.649 Moved: Clr K Wright/ Seconded: Clr G Barnes</p> <p>That Council appoint Councillor Vaughan Oldham as its third representative on Council's Natural Resource Management Special Committee.</p> <p>CARRIED UNANIMOUSLY</p>	Council appointed Councillor Vaughan Oldham as its third representative on Council's Natural Resource Management Special Committee at its July Meeting.	NRM Facilitator
100%	21/07/2025	18/08/2025	<b>07/25.17.2.651 Local Government (Meeting Procedures) Regulations remake 2025</b>	<p>07/25.17.2.651 Moved: Clr J Drummond/ Seconded: Clr I Carter</p> <p>That Council approve the updated Council Meeting Procedures 2025 and Council Meeting Agenda Template in accordance with the amendments to the <i>Local Government (Meeting Procedures) Regulations 2025</i>.</p> <p>An Amendment was moved:</p> <p>07/25.17.2.651 Clr L Johnstone/ Seconded: Clr K Wright</p> <p>Raise concerns with the Minister for Local Government, Office of Local Government and LGAT regarding the recording of Closed Council meetings which relate to personnel matters and potential access to recordings.</p> <p>CARRIED UNANIMOUSLY</p> <p>The Amendment becomes the Motion:</p> <p>A Procedural Motion was moved:</p> <p>07/25.17.2.651 Clr L Johnstone / Seconded: Clr K Wright</p> <p>To defer the approval of the Council Meeting Procedures to a Council Workshop.</p> <p>CARRIED UNANIMOUSLY</p>	Item relisted for the Council workshop	General Manager

Current Co...	Meeting ...	Due Date	Goal	Resolution / Action	Update	Owner
100%	21/07/2025	01/09/2025	<b>07/25.17.3.652 Economic Development Strategy</b>	<p>07/25.17.3.652 Moved: Clr K Wright/ Seconded: Clr I Carter</p> <p>That Council receive and adopt the Economic Development Strategy and endorse the Economic Development Action Plan.</p> <p>CARRIED UNANIMOUSLY</p>	An action plan and further discussion with council will be the next steps	Economic Development Officer

## COUNCIL RESOLUTIONS - JUNE 2025

Current Co...	Meeting ...	Due Date	Goal	Resolution / Action	Update	Owner
100%	16/06/2025	30/09/2025	<b>06/25.16.2.623 Falmouth Toilet Block Project</b>	<ol style="list-style-type: none"> <li>1. To accept the Summary Report in Relation to the Community Consultation Phase;</li> <li>2. That the Council approves to progress the final design &amp; regulatory approvals (including Crown, Planning, Building and Plumbing where applicable) of the new amenity building in its current location and inform the community of Council's decision;</li> <li>3. A budget allocation of \$200,000 has been proposed for consideration in the 2025/2026 budget deliberations.</li> </ol>	<p>Council decision has been actioned by Council Officers and relevant Crown &amp; Plumbing approvals are being progressed.</p> <p>The capital budget allocation was approved at the June 2025 Council meeting.</p>	Development Services Coordinator
100%	16/06/2025	30/09/2025	<b>06/25.16.3.624 Upgrades &amp; Additions to Falmouth Community Centre</b>	<ol style="list-style-type: none"> <li>1. To accept the minutes and feedback received in relation to consultation with the community group;</li> <li>2. That the Council approves to progress the final design &amp; regulatory approvals (including Planning, Building and Plumbing where applicable) of the new additions &amp; alterations to the existing building;</li> <li>3. A budget allocation of \$150,000 has been proposed for consideration in the 2025/2026 budget deliberations.</li> </ol>	<p>Council decision has been actioned by Council Officers and relevant Planning, Building &amp; Plumbing approvals are being progressed.</p> <p>The capital budget allocation was approved at the June 2025 Council meeting.</p>	Development Services Coordinator
100%	16/06/2025	21/07/2025	<b>06/25.17.6.630 Public Land List - St Helens Aerodrome</b>	<p>That Council:</p> <p>Resolve pursuant to Section 178 of the <i>Local Government Act 1993</i> ("the Act") that Council by absolute majority commence proceedings to remove the land on which the St Helens Aerodrome is located contained within Certificate of Titles (112855/1, 18671/2, 214209/1, 223471/1, 148076/1 and 45005/2) from the Public Land list maintained pursuant to the <i>Act</i> and</p> <ol style="list-style-type: none"> <li>1. Authorise the General Manager to publish the intention to remove the aerodrome from the Public Land list and display a copy of the notice on any boundary of the public land that abuts a highway and notify the public that objection to the proposed removal from the register may be made to the General Manager within 21 days of the date of the first publication.</li> <li>1. Authorise the General Manager to consider and acknowledge any objection received pursuant to Section 178 (6) of the <i>Act</i> and report to a future Council meeting</li> <li>2. If the General Manager does not receive any objection under Section 178 subsection (4) and an appeal is not made under Section 178A, the General Manager will amend the Public Land list to remove the land contained within Certificate of Titles (112855/1, 18671/2, 214209/1, 223471/1, 148076/1 and 45005/2):</li> </ol>	<p>Report on representations will be provided to the September Council meeting.</p>	General Manager



## COUNCIL RESOLUTIONS 2024

Current Co...	Meeting ...	Due Date	Goal	Resolution / Action	Update	Owner
90%	15/01/2024	05/02/2024	<b>01/24.9.2.290 Binalong Bay Parking, Traffic and Pedestrian Safety – Mayor Tucker</b>	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>Council Officers review the existing Binalong Bay Foreshore Master Plan and develop a project scope that can be used to engage an expert to provide a report on the following:</p> <ol style="list-style-type: none"> <li>1. Improved Parking Accessibility</li> <li>2. Assessment of Additional Parking Areas, traffic calming and pedestrian safety improvements.</li> </ol>	Binalong Bay Master Plan has been reviewed and a draft consulting services brief prepared and will be addressed as part of the Liveability Strategy to be developed.	Manager Infrastructure and Development Services
75%	20/05/2024	24/06/2024	<b>05/24.9.1.358 Developing walking trails around and within the Scamander Complex precinct – Cllr Carter</b>	<p>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</p> <p>That Council considers options to develop walking trails around and within the Scamander Complex precinct.</p>	<p>Break O'Day Council has committed to preparing a masterplan for the Scamander Sports and Community Complex. Plan development is aligned with the development of the Scamander-Beaumaris Structure Plan. The current engagement focus is to gain understanding what the community, users and clubs needs are from their sporting and community complex into the future after which, a consultation summary report will be provided to Council highlighting feedback themes, and a summary of detailed discussions and will then be used to inform the drafting of any future Masterplan.</p> <p>The community was invited to a meeting on 25 July 2025 to meet the project team and provide feedback. A e-survey option was also made available.</p>	Manager Infrastructure and Development Services
99%	24/06/2024	31/07/2024	<b>06/24.14.3.391 Speed Limits – North Ansons Bay Road and Ansons Bay</b>	That Council adopt the recommendations made by Traffic & Civil Services as stated in this report.	All required documentation to support the proposal for speed limit reductions have been submitted to the Transport Commission - Closure of the item is pending a decision and direction from the Transport Commissioner and which has not been forthcoming at this point in time.	Manager Infrastructure and Development Services

Current Co...	Meeting ...	Due Date	Goal	Resolution / Action	Update	Owner
25%	15/07/2024	31/08/2024	<b>07/24.9.1.401 Lease/ management agreement for the front garden of the old hospital site at St Helens – Clr Carter</b>	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>That Council immediately pursue a lease/ management agreement for the front garden of the old hospital site at St Helens, from the State Government, and open it up as public open space.</p>	Discussions with the owner of the site have recommenced and Council's interest in securing this piece of land has been reinforced. Follow up contact made on 8/10/24 with Homes Tasmania regarding Council's request and again following the February 2025 Council meeting	General Manager
85%	21/10/2024	16/12/2024	<b>10/24.15.2.470 Future use of the old Council offices – 29 Talbot Street, Fingal</b>	<ol style="list-style-type: none"> <li>1. That Council call for Expressions of Interest for the use of the building located at 29 Talbot Street, Fingal which more recently was leased to Integrated Living.</li> <li>2. That Council allow the SES response vehicle to be parked in the garage located on the property at 29 Talbot Street, Fingal to ensure quick response to incidents in the Fingal Valley.</li> </ol>	Council received one expression of interest through the process. This will be taken to a future Council workshop.	Manager Community Services
85%	21/10/2024	31/12/2025	<b>10/24.16.2.472 Proposed new electronic scoreboard</b>	<ol style="list-style-type: none"> <li>1. That Council grant permission, as landowner for the lodgement of planning and building approvals (if required) on Council owned land, 117 Tully Street, St Helens (St Helens Sports Complex), and</li> <li>2. Subject to Planning and Building approval being obtained that Council grant permission to carry out the proposed installation of a new electronic scoreboard, and</li> <li>3. That the Lease between the St Helens Football Club and Break O' Day Council be amended to ensure that all ongoing maintenance and insurance requirements are the sole responsibility of the St Helens Football Club as it relates to the Electronic Scoreboard.</li> </ol>	<p>Works in relation to the installation of the Electronic Scoreboard are now complete.</p> <p>The amended lease has been drafted and pending signatures.</p>	Development Services Coordinator

## COUNCIL RESOLUTIONS 2023

Current Co...	Meeting ...	Due Date	Goal	Resolution / Action	Update	Owner
50%	20/03/2023	30/06/2023	<b>03/23.15.7 St Helens Sports Complex</b>	<ol style="list-style-type: none"> <li>1. That Council engage a landscape architect to design connectivity between the various areas of the St Helens Sports Complex identifying what amenities are required to service the area and its users as well as ensuring green spaces and vegetation management are addressed as part of the project.</li> <li>2. That funds from Public Open Space – St Helens be used to engage a landscape architect to undertake this project.</li> </ol>	A draft Brief has been developed for this project. This project will now be incorporated into the St Helens and Binalong Bay Liveability Strategy which is currently being developed.	Manager Community Services
75%	26/06/2023	31/07/2023	<b>06/23.9.2.131 Online Access Centre Funding – Clr Carter</b>	<p>That Council write to the State Government requesting:</p> <ol style="list-style-type: none"> <li>1. A definitive answer about the future funding of Online Access Centres in the Break O'Day area beyond the completion of the current funding contract expiring on 30 June 2024.</li> <li>2. An explanation of the Hub approach that the Minister mentioned in a meeting with the Mayor and Acting General Manager in February 2023.</li> <li>3. Clear articulation to the affected communities and relevant service providers of the State Government's plans for the future delivery of services currently delivered by Online Access Centres at St Helens, St Marys and Fingal including how and who will be delivering these services and what services may be lost under the new approach. The articulation should include the financial consequences of establishing Hubs and the efforts that will be undertaken to seek ratepayer and service provider input</li> </ol>	As reported at the February 2025, Libraries Tasmania and the Consultants undertaking the review process failed to ensure that the views of Council were obtained. Correspondence has been sent to the Minister on the matter expressing our disappointment with the engagement process including the engagement being framed as a survey on Digital Inclusion. Advice has been received through the St Helens OAC that funding has been extended to 30 June 2026 at current levels.	General Manager
75%	18/12/2023	29/02/2024	<b>12/23.9.1.265 Indigenous name for St Patricks Head – Clr J Drummond</b>	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>That Council support the Indigenous name for St Patricks Head, which is lumeragenena wuggelena according to the Department of Natural Resources and Environment Tasmania.</p>	As the Reconciliation Action Plan process has been delayed, the matter has been pursued with PWS requesting that they install the signage as per their internal processes	General Manager



## COUNCIL RESOLUTIONS 2022

Current Co...	Meeting ...	Due Date	Goal	Resolution / Action	Update	Owner
35%	21/02/2022	01/05/2025	<b>02/22.16.5.39 - Management of Freshwater Resources and Water Quality</b>	Council show leadership on freshwater management arrangements and seek input and advice from state water managers and independent experts on freshwater management arrangements and development initiatives in Tasmania, and their adequacy for ensuring the ecologically sustainable use and development of freshwater systems and resources in Break O'Day.	This issue was brought to Council's attention through Council's NRM Committee in 2022 when questions were raised statewide about the adequacy of freshwater management arrangements and development initiatives in Tasmania and ecologically sustainable use and development of freshwater systems. The Department of Natural Resources and Environment Tasmania is generally responsible for freshwater resources regulation and management. In 2022 it started several initiatives responding to concerns being. Freshwater water resources and water quality management issues are an on-going topic for Council's NRM Committee. Investigation of developments in management of freshwater resources, with input from Tasmanian Government agencies and/or other bodies, will be reported to Council.	NRM Facilitator
77%	27/06/2022	31/10/2022	<b>06/22.15.3.123 - Outdoor Exercise Equipment - Scamander</b>	That Council seek external funding to cover the cost of this project.	Council at their meeting in June, 2024, in consultation with the community changed the location of the proposed exercise gym equipment to the eastern side of the bridge	Manager Community Services

## 08/25.8.0 PETITIONS

Nil

## 08/25.9.0 NOTICES OF MOTION

Nil

## 08/25.10.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil

## 08/25.11.0 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

*Regulation 34 of the Local Government (Meeting Procedures) Regulations 2025 specifies that in putting a Question Without Notice a Councillor must not offer an argument or opinion, draw any inference or make any imputations except so far as may be necessary to explain the question.*

*The Chairperson must not permit any debate of a Question without Notice or its answer.*

## 08/25.12.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

### 08/25.12.1 Mayor's Communications for Period Ending 18 August 2025

25.07.2025	<b>Launceston</b>	– Local Government Association of Tasmania's (LGAT) General Meeting and Annual General Meeting.
26.07.2025	<b>Launceston</b>	– Elected Member Professional Development Day hosted by LGAT. Deputy Mayor Chapple and Councillor Oldham were also in attendance.
28.07.2025	<b>St Helens</b>	– Athletics Club Annual General Meeting.
29.07.2025	<b>Fingal</b>	– Early Learning Matters event held at the Fingal Play Centre, bringing together families and children to celebrate the importance of early learning and the support available for young children.
31.07.2025	<b>MS Teams</b>	– Australian Local Government Association (ALGA) Meeting.
04.08.2025	<b>St Helens</b>	– Council Workshop.
06.08.2025	<b>Melbourne</b>	– ALGA Meeting.
11.08.2025	<b>St Helens</b>	– Meeting with Rebecca White MP to discuss Break O'Day Council's priorities.

11.08.2025	<b>St Helens</b>	– TasWater Prices and Services Plan Briefing.
13.08.2025	<b>MS Teams</b>	– Meeting with LGAT CEO Dion Lester.
14.08.2025	<b>St Helens</b>	– Meeting with community members Garry Cottam and Les Thorpe
15.08.2025	<b>MS Teams</b>	– Northern Tasmania Regional Land Use Strategy (NTRLUS) Steering Meeting

## 08/25.12.2 Councillor's Reports for Period Ending 18 August 2025

*This is for Councillors to provide a report for any Committees they are Council Representatives on and will be given at the Council Meeting.*

- Break O'Day Chamber of Commerce and Tourism – Deputy Mayor Kristi Chapple
- NRM Special Committee – Cllr Vaughan Oldham
- East Coast Tasmania Tourism (ECTT) – Cllr Barry LeFevre
- Mental Health Action Group – Cllr Barry LeFevre
- Access and Inclusion Advisory Committee – Cllr Ian Carter
- Bay of Fires Master Plan Steering Committee – Cllr Ian Carter

## 08/25.13.0 BUSINESS AND CORPORATE SERVICES

### 08/25.13.1 Corporate Services Department Report

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Angela Matthews, Corporate Services Coordinator
FILE REFERENCE	018\018\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

#### OFFICER'S RECOMMENDATION:

That the report be received.

#### INTRODUCTION:

The purpose of this report is to provide Councillors with an update on activities of the Corporate Service Department since the previous Council Meeting.

#### PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

#### OFFICER'S REPORT:

##### Annual Financial Statement

Over the last month, Council officers and the Contract Accountant have been working to finalise the 2025-25 Annual Financial Statement as year end journals are processed to finalise asset recognition and a range of year end journals. Lodgment with the Tasmanian Audit Office is required by 15 August 2025 and at the time of writing this report this was on track for completion. The Financial Statements will be provided to the Audit Panel at their next meeting.

##### Investments

With the commencement of the 2025/2026 financial year Council's current investment portfolio is provided below for information.

Date Rolled Over	Maturing	Term (Months)	Principle Amount	Interest	Total Amount	Interest Rate	Bank	STATUS
04.04.2025	04.07.2025	3	1,000,000.00	11,493.42	\$ 1,011,493.42	4.61%	Westpac	MATURED
07.03.2025	08.09.2025	6	1,000,000.00	23,250.00	\$ 1,023,250.00	4.65%	Bendigo	CURRENT
04.04.2025	03.10.2025	6	1,000,000.00	23,250.00	\$ 1,023,250.00	4.65%	Bendigo	CURRENT
09.07.2025	09.11.2025	4	1,000,000.00	14,200.00	\$ 1,014,200.00	4.26%	CBA	CURRENT
10.07.2025	10.12.2025	5	1,000,000.00	17,708.33	\$ 1,017,708.33	4.25%	Bendigo	CURRENT
11.07.2025	12.01.2026	6	1,500,000.00	31,500.00	\$ 1,531,500.00	4.20%	Bendigo	CURRENT

Council also has a 5 Year Term Deposit which earns \$22,920.55 per quarter in interest as provided below:

Date Rolled Over	Maturing	Term (Months)	Principle Amount	Interest	Total Amount	Interest Rate	Bank	STATUS
14.02.2024	13.02.2029	60	2,000,000.00	22,920.55 per quarter	\$ 2,000,000.00	4.70%	Westpac	CURRENT

#### 2024/2025 Rates Summary - 1 August 2025

##### Rates Brought Forward

Outstanding Rate Debtors

Less Rates in Credit

##### Net Rates Outstanding at 30 June 2025

Rates and Charges Levied

Interest and Penalty Charged

##### Total Rates and Charges Demanded

Less Rates and Charges Collected

Less Credit Journals and Supp Credits

Remissions and Discount

##### Unpaid Rates and Charges as at 1 August 2025

2024/2025		2024/2025	
%	\$	%	\$
	1,018,593.55		813,906.84
	-327,200.03		-296,603.81
<b>4.57</b>	<b>691,393.52</b>	<b>3.69</b>	<b>517,303.03</b>
95.42	14,421,490.48	96.27	13,481,019.25
0.01	1,191.06	0.04	5,538.17
<b>100.00</b>	<b>14,422,681.54</b>	<b>100.00</b>	<b>13,486,557.42</b>

16.38	2,475,292.94	14.62	2,047,489.91
0.02	3,174.72	0.46	64,961.61
3.76	568,969.18	3.87	542,623.88
<b>79.84</b>	<b>12,066,638.22</b>	<b>81.04</b>	<b>11,348,785.05</b>

##### Remissions and Discounts

Early Payment Discount

Pensioner Rebates

2024/2025	2024/2025
45,949.85	37,504.24
523,019.33	505,119.64
<b>568,969.18</b>	<b>542,623.88</b>

##### Number Rateable Properties

##### Number Unpaid Rateable Properties

6,915	6,879
5,381	5,624

##### % Properties Not fully paid

**77.82**

**81.76**

##### Right to Information (RTI) Requests

Nil

##### 132 and 337 Certificates

	<b>132</b>	<b>337</b>
<b>July 2025</b>	75	17
<b>June 2025</b>	41	37
<b>July 2024</b>	68	30

#### Debtors/Creditors @ 11 August 2025

##### DEBTORS INFORMATION

###### Invoices Raised

Current			Previous Year	
Month	Mth Value	YTD 25/26	Month	YTD 24/25
91	\$ 552,560.21	91	100	100

##### CREDITORS INFORMATION

###### Payments Made

Current			Previous Year	
Month	Mth Value	YTD 24/25	Month	YTD 24/25
358	\$ 1,044,695.23	358	400	400

#### STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

##### Goal

Services – To have access to quality services that are responsive to the changing needs of the community and lead to improved health, education and employment outcomes.

##### Strategy

- Work collaboratively to ensure services and service providers are coordinated and meeting the actual and changing needs of the community.
- Ensure Council services support the betterment of the community while balancing statutory requirements with community and customer needs.

#### LEGISLATION & POLICIES:

N/A

#### BUDGET AND FINANCIAL IMPLICATIONS:

N/A

#### VOTING REQUIREMENTS:

Simple Majority

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	018\018\001\
ASSOCIATED REPORTS AND DOCUMENTS	Financial Reports

**OFFICER'S RECOMMENDATION:**

That the following reports for the month ending 31 July 2025 be received:

1. Profit and Loss Statements
2. Balance Sheet
3. Statement of Cash Flows
4. Capital Works 2025-2026

**INTRODUCTION:**

Presented to Council are the monthly financial statements.

**PREVIOUS COUNCIL CONSIDERATION:**

Council considers financial reports on a monthly basis.

**OFFICER'S REPORT:**

The financial statements as shown below show the financial position of Council as at 31 July 2025.

## Profit and Loss

Break O'Day Council

For the month ended 31 July 2025

Account	Actual YTD	Budget YTD	Budget Variance YTD	Budget Variance %	Annual Budget	Notes
<b>Trading Income</b>						
Rates	14,420,337	14,369,102	51,235	0%	14,369,102	
User Fees	193,537	177,540	15,997	9%	1,477,883	
Operating Grants	686,156	530,732	155,424	29%	4,217,477	1
Interest & Investment Income	(27,066)	(11,873)	(15,193)	128%	1,048,000	
Contributions	4,989	5,003	(14)	0%	6,037	
Other Revenue	16,086	4,145	11,941	288%	49,739	
<b>Total Trading Income</b>	<b>15,294,039</b>	<b>15,074,649</b>	<b>219,390</b>	<b>1%</b>	<b>21,168,238</b>	
<b>Gross Profit</b>	<b>15,294,039</b>	<b>15,074,649</b>	<b>219,390</b>	<b>1%</b>	<b>21,168,238</b>	
<b>Capital Grants</b>						
Grants - Commonwealth Capital	240,240	0	240,240	0%	0	
Grants - Roads to Recovery	0	0	0	0%	1,035,853	
Grants - State Capital	552,016	545,000	7,016	1%	1,130,000	
<b>Total Capital Grants</b>	<b>792,256</b>	<b>545,000</b>	<b>247,256</b>	<b>45%</b>	<b>2,165,853</b>	2
<b>Other Non Operating Income</b>						
Net Gain/Loss on Disposal of Assets	18,182	20,000	(1,818)	-9%	100,000	
<b>Total Other Non Operating Income</b>	<b>18,182</b>	<b>20,000</b>	<b>(1,818)</b>	<b>-9%</b>	<b>100,000</b>	
<b>Total Non Operating Revenue</b>	<b>810,438</b>	<b>565,000</b>	<b>245,438</b>	<b>43%</b>	<b>2,265,853</b>	
<b>Operating Expenses</b>						
Employee Costs	441,704	475,548	(33,844)	-7%	6,939,061	
Materials & Services	1,421,512	1,563,150	(141,638)	-9%	8,747,236	
Interest	(11,638)	(9,909)	(1,729)	17%	42,076	
Depreciation	441,315	438,232	3,083	1%	5,258,739	
Other Expenses	18,034	22,936	(4,902)	-21%	342,536	
<b>Total Operating Expenses</b>	<b>2,310,928</b>	<b>2,489,957</b>	<b>(179,029)</b>	<b>-7%</b>	<b>21,329,648</b>	
<b>Operating Net Profit</b>	<b>12,983,111</b>	<b>12,584,692</b>	<b>398,419</b>	<b>3%</b>	<b>(161,410)</b>	
<b>Net Profit (Including Non Operating Revenue)</b>	<b>13,793,549</b>	<b>13,149,692</b>	<b>643,857</b>	<b>5%</b>	<b>2,104,443</b>	
<b>Work in Progress</b>						
Capital Work in Progress	119,787	0	119,787	0%	0	
<b>Total Work in Progress</b>	<b>119,787</b>	<b>0</b>	<b>119,787</b>	<b>0%</b>	<b>0</b>	

### Notes

1. Operating Grants are \$155k (29%) higher than budget YTD, which is due to grant funds carried forward from the prior year being higher than expected.

2. Capital grants are \$247k higher than budget, which is primarily due to timing of grant payments in relation to project milestones, with final instalments being received for the Black Summer Bushfire Recovery grant funded projects.



**Balance Sheet**  
Break O'Day Council  
As at 31 July 2025

Account	31 July 2025	30 June 2025
<b>Assets</b>		
<b>Current Assets</b>		
Cash & Cash Equivalents	5,639,127	7,454,872
Investments	7,500,010	5,000,000
Trade & Other Receivables	12,934,456	1,424,890
Inventory	309,479	311,419
Other Assets	2,838	2,838
<b>Total Current Assets</b>	<b>26,385,911</b>	<b>14,194,019</b>
<b>Non-current Assets</b>		
Trade and Other Receivables	14,392	14,392
Property, Plant & Equipment	230,563,937	231,005,253
Right of Use Asset	734,211	734,211
Investment in Water Corporation	36,442,103	36,442,103
Other Investments	30,000	30,000
Mineral Resources Bond	151,500	151,500
<b>Total Non-current Assets</b>	<b>267,936,144</b>	<b>268,377,459</b>
<b>Total Assets</b>	<b>294,322,054</b>	<b>282,571,478</b>
<b>Liabilities</b>		
<b>Current Liabilities</b>		
Trade & Other Payables	761,898	1,873,953
Contract Liabilities	0	810,172
Lease Liability	75,199	75,199
Interest Bearing Loans & Borrowings	384,494	384,494
Provisions	995,080	995,080
Trust Funds and Deposits	577,120	577,244
<b>Total Current Liabilities</b>	<b>2,793,791</b>	<b>4,716,142</b>
<b>Non-current Liabilities</b>		
Lease Liabilities	659,012	659,012
Interest Bearing Loans & Borrowings	609,491	609,491
Provisions	656,336	656,336
<b>Total Non-current Liabilities</b>	<b>1,924,840</b>	<b>1,924,840</b>
<b>Total Liabilities</b>	<b>4,718,631</b>	<b>6,640,982</b>
<b>Net Assets</b>	<b>289,603,424</b>	<b>275,930,496</b>
<b>Equity</b>		
Accumulated Surplus	61,495,917	47,822,989
Reserves	228,107,507	228,107,507
<b>Total Equity</b>	<b>289,603,424</b>	<b>275,930,496</b>

**Statement of Cash Flows**  
Break O'Day Council  
For the month ended 31 July 2025

Account	YTD	2025
<b>Operating Activities</b>		
Receipts from customers	243,116	1,689,664
Receipts from rates	2,968,308	13,414,011
Receipts from Operational Grants	712,519	3,307,083
Contributions	5,906	53,665
Interest received	(27,066)	899,801
Dividends received	0	465,600
Payments to employees	(564,980)	(6,398,399)
Payments to suppliers	(1,711,754)	(8,931,886)
Finance Costs	0	(143,733)
Cash receipts from other operating activities	161,534	1,413,772
Cash payments from other operating activities	3,301	(3,002)
<b>Net Cash Flows from Operating Activities</b>	<b>1,790,883</b>	<b>5,766,576</b>
<b>Investing Activities</b>		
Payment for property, plant and equipment	(660,367)	(7,174,321)
Payment for investments	(2,500,010)	4,500,000
Capital Grants received	(445,916)	2,403,437
<b>Other cash items from investing activities</b>	<b>(3,606,294)</b>	<b>(270,884)</b>
Mineral Resources Bond	0	(151,500)
<b>Total Other cash items from investing activities</b>	<b>0</b>	<b>(151,500)</b>
<b>Net Cash Flows from Investing Activities</b>	<b>(3,606,294)</b>	<b>(422,384)</b>
<b>Financing Activities</b>		
Proceeds of trust funds and deposits	(334)	16,401
Repayment of loans	0	(2,605,557)
Repayment of lease liabilities	0	(25,932)
<b>Net Cash Flows from Financing Activities</b>	<b>(334)</b>	<b>(2,615,088)</b>
<b>Net Cash Flows</b>	<b>(1,815,745)</b>	<b>2,729,104</b>
<b>Cash and Cash Equivalents</b>		
Cash and cash equivalents at beginning of period	7,454,872	4,725,768
Net change in cash for period	(1,815,745)	2,729,104
Cash and cash equivalents at end of period	5,639,127	7,454,872

# Break O'Day Council

Capital Works 2025-2026

Budget 2025-2026

Project Details	YTD @ 31/7/2025	Estimated Carried Forward 30/06/2025	New Budget Items 2025/2026	Budget Estimates 2025/2026
<b>Plant &amp; Equipment</b>				
Replace K17MB Infrastructure & Development Services Manager	-		45,000	45,000
Replace J40VD Asset Officer	-		45,000	45,000
Replace Plant 1220 John Deer Backhoe	-		190,000	190,000
Replace Plant 1269 Valley Crew Town Maintenance Truck	-		150,000	150,000
Replace Plant 1303 - Hitachi ZX33U-5A Excavator	-		120,000	120,000
Replace Plant 1304 - Excavator Plant Trailer (for Plant 1303)	-		20,000	20,000
Replace Plant 1343 - IO4DC Building Maintenance Van	-		50,000	50,000
Replace Plant 1383 - MTB Motorcycle	-		13,500	13,500
Replace Plant 1385 - MTB Motorcycle	-		13,500	13,500
Additional MTB Motorcycle	-		13,500	13,500
Replace Plant 1380 - I40PS Town Maintenance Ute with tip tray	-		45,000	45,000
Replace Plant 1393 - J68EV Builders truck	-		60,000	60,000
Replace Plant 1416 - K42PQ General Manager	-		55,000	55,000
Replace Plant 1413 - K91MG Building Services Officer	-		45,000	45,000
Replace Plant 1360 DMax 4x4 Crew Cab	58,173			
Replace Plant 1361 H40ZN - Kia Sportage Pool Car	-		45,000	45,000
Replace 1382 - MTB Vehicle	-		60,000	60,000
Small Plant - VARIOUS 2025/2026	3,436		45,000	45,000
Plant 1269 - Coastal Crew Truck Tray and Crane Assembly	-	116,141		116,141
Plant 1022 - Small Tipper Truck Tray and Chip Bin	-	86,141		86,141
Vehicle Management Tracking System	-	30,000		30,000
Waste collection truck	-	550,000	32,000	582,000
<b>Total Plant &amp; Equipment</b>	<b>61,609</b>	<b>782,282</b>	<b>1,047,500</b>	<b>1,829,782</b>
<b>Furniture &amp; IT</b>				
CCTV - additional cameras and installation	-	30,000		30,000
New Format LCD 98" Screen (replacing existing Projector & Screen)	-		16,659	16,659
Video Conferencing System- General Manager's Office	-		10,388	10,388
<b>Total Furniture &amp; IT</b>	-	<b>30,000</b>	<b>27,047</b>	<b>57,047</b>
<b>Buildings</b>				
Hub 4 Health - Internal Renovations as per endorsed management plan	-		30,000	30,000
Refurbish St Marys Sports Complex Main Toilet/Shower Facility	-		75,000	75,000
Installation of New Roof Mounted Solar Panels - St Marys	-		40,000	40,000
Pyengana Hall Roof Replacement	-		60,000	60,000
Replacement of Roof Cladding - St Marys Tennis Club	-		15,000	15,000
St Helens Depot Office Roof & Insulation Replacement	-		15,000	15,000
St Marys Exhibition upgrades	-		100,000	100,000
St Marys Tip Shop - New Power Supply (Solar)	-		10,000	10,000
Portland Hall Upgrades	-	20,000	30,000	50,000
Council Chambers additions and improvements	300	22,571	20,000	42,571
Falmouth - New Toilet design	-		200,000	200,000
Falmouth Community Centre - Internal Alterations	-		150,000	150,000
Pyengana Recreation Ground Improvements	-		10,000	10,000
Binalong Bay - Village Green BBQ Replacements	15,485	15,000		15,000
Memorial Park Toilet Block Replacement	1,240		50,000	50,000



# Break O'Day Council

Capital Works 2025-2026

Budget 2025-2026

Project Details	YTD @ 31/7/2025	Estimated Carried Forward 30/06/2025	New Budget Items 2025/2026	Budget Estimates 2025/2026
St Helens Foreshore - Amenities	-		50,000	50,000
<b>Total Buildings</b>	<b>17,025</b>	<b>57,571</b>	<b>855,000</b>	<b>912,571</b>
<b>Parks, Reserves &amp; Other</b>				
Special Project: Scamander Coastal Hazards Project	3,858	200,292	50,708	251,000
Rec trails strategy implementation - stage 1	-	100,000		100,000
Playground equipment replacement program	-	60,000	40,000	100,000
Lions Park Playground Review	-		12,000	12,000
Dog exercise area St Helens Improvements	-	5,000	5,000	10,000
St Marys Dog Park	3,834	10,000		10,000
St Helens Cemetery Master Plan improvements	-	50,000		50,000
Georges Bay Walking Track Extension	11,664	985,000	-	985,000
Scamander Sports Complex Masterplan	-		20,000	20,000
St Helens Memorial Park - Irrigation system improvements incl groundworks	-		40,000	40,000
<b>Totals Parks, Reserves &amp; Other</b>	<b>19,355</b>	<b>1,410,292</b>	<b>167,708</b>	<b>1,578,000</b>
<b>Roads - Streetscapes &amp; Carparking</b>				
Cecilia Street/Georges Bay Esplanade junction	-			
Carparking acquisition and assoc. costs	-		550,000	550,000
<b>Total Streetscapes</b>	<b>-</b>	<b>-</b>	<b>550,000</b>	<b>550,000</b>
<b>Roads - Footpaths</b>				
Footpath - Binalong Bay Road	-		100,000	100,000
Footpaths - Miscellaneous	-		100,000	100,000
<b>Total Footpaths</b>	<b>-</b>	<b>-</b>	<b>200,000</b>	<b>200,000</b>
<b>Roads - Kerb &amp; Channel</b>				
<b>Total Kerb &amp; Channel</b>	<b>-</b>			
<b>Roads - Resheeting</b>				
25/26 Road Resheeting to be confirmed	-		700,000	700,000
Irish Town Road - Resheeting	2,013			
Ansons Bay Road- Resheeting	5,319			
<b>Total Resheeting</b>	<b>7,332</b>	<b>-</b>	<b>700,000</b>	<b>700,000</b>
<b>Roads - Reseals</b>				
St Marys - Story Street Esk Main Road to Groom Street	-	55,084	4,916	60,000
25/26 Reseals TBC	-		800,000	800,000
<b>Totals Reseals</b>	<b>-</b>	<b>55,084</b>	<b>804,916</b>	<b>860,000</b>
<b>Roads - Reconstructions / Construction</b>				
Mangana Road - Rehabilitation/reconstruction 25/26	-		350,000	350,000
<b>Totals - Roads Construction, Digouts &amp; Other</b>	<b>-</b>	<b>-</b>	<b>350,000</b>	<b>350,000</b>
<b>Totals Roads &amp; Footpaths</b>	<b>7,332</b>	<b>55,084</b>	<b>2,604,916</b>	<b>2,660,000</b>

# Break O'Day Council

Capital Works 2025-2026

Budget 2025-2026

Project Details	YTD @ 31/7/2025	Estimated Carried Forward 30/06/2025	New Budget Items 2025/2026	Budget Estimates 2025/2026
<b>Bridges</b>				
Bridge 185 - Gilles Road	-		307,000	307,000
Bridge 2684 - Pedder Street	-		200,000	200,000
<b>Total Bridges</b>	-	-	<b>507,000</b>	<b>507,000</b>
				-
<b>Stormwater</b>				-
Minor stormwater Jobs	-		150,000	150,000
Penelope Street	9,960			
Aulichs Lane, St Marys	-	84,220	6,000	90,220
Tully Street / Northern end of Cecilia St Stormwater System Upgrade	2,997	35,000		35,000
Renewal of SW Main - Talbot Street, Fingal	-		100,000	100,000
<b>Total Stormwater</b>	<b>12,958</b>	<b>119,220</b>	<b>256,000</b>	<b>375,220</b>
<b>Waste Management</b>				
Replace Pay Booth - Fingal WTS	-		20,000	20,000
Scamander WTS - Waste Compactor	677	60,000	1,000,000	1,060,000
Scamander WTS - Landfill Design & Construction	831	104,559	150,000	254,559
<b>Total Waste Management</b>	<b>1,508</b>	<b>164,559</b>	<b>1,170,000</b>	<b>1,334,559</b>
	-			
<b>Total Capital</b>	<b>119,787</b>	<b>2,619,008</b>	<b>6,635,171</b>	<b>9,254,179</b>

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	040\028\002\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

**OFFICER'S RECOMMENDATION:**

That the report be received.

**INTRODUCTION:**

The purpose of this report is to provide Councillors with an update on the activities and services the delivered by the Visitor Information Centre since the previous Council Meeting.

**PREVIOUS COUNCIL CONSIDERATION:**

Provided as a monthly report – Council consideration at previous meetings.

**OFFICER'S REPORT:****Visitor Information Report:**

- Main tourists this month were from VIC, QLD, WA and a few overseas from the UK
- Two (2) staff members attended training regarding Managing Challenging Interactions with the Public.
- Door count for this month was the highest July ever.

**The History Room Curator Report:**

- Approached by St Helens Library regarding new display there
- Information forwarded to request based in Melbourne on the 'Scout' vessel, shipwrecked in Bass Strait c1840s
- Following up with.808 on last of the lighting requirements on the theatrette
- August is FREE month for all visitors
- Yarning Circles scheduled for 9 and 23 August 2025. Local Aboriginal elder who had been approached is no unavailable so trying to arrange another person to relate local Tasmanian tales
- One volunteer has finished up with us and we will miss her skills!

**Statistics:****Door Counts**

<b>Month/Year</b>	<b>Visitor Numbers</b>	<b>Daily Average</b>	<b>History Room</b>
July 2012	636	20.52	42
July 2013	809	26.10	71
July 2014	1064	34.32	121
July 2015	946	30.52	42
July 2016	1048	33.80	119
July 2017	875	28.22	36
July 2018	912	29.42	47
July 2019	837	27.00	51
July 2020	730	23.55	52
July 2021	906	29.23	44
July 2022	1049	33.83	52
July 2023	1235	39.83	42
July 2024	1356	43.74	40
July 2025	1396	45.03	36

**Revenue 2024/2025**

<b>Month</b>	<b>VIC Sales</b>	<b>HR Entry</b>	<b>HR Donations/Sales</b>
July	3,418.19	150	91.20
August	3,740.70	0	177.55
September	4,581.03	288	412.25
October	7,359.22	338	390.25
November	8,828.24	546.85	335.30
December	8,093.19	302.00	89.85
January	9,869.20	459.00	172.55
February	10,341.84	433.45	171.55
March	11,789.02	844.00	208.55
April	5,343.24	357.00	145.85
May	3,710.45	209.00	112.95
June	1,711.97	134.00	20.55

**Revenue 2025/2026**

<b>Month</b>	<b>VIC Sales</b>	<b>HR Entry</b>	<b>HR Donations/Sales</b>
July	3,388.09	144.00	94.30
August			
September			
October			
November			
December			
January			
February			
March			
April			
May			
June			

## **STRATEGIC PLAN & ANNUAL PLAN:**

### Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

#### Goal

Economy - To foster innovation and develop vibrant and growing local economies which offer opportunities for employment and development of businesses across a range of industry sectors.

#### Strategy

Create a positive brand which draws on the attractiveness of the area and lifestyle to entice people and businesses' to live and work in BOD.

## **LEGISLATION & POLICIES:**

N/A

## **BUDGET AND FINANCIAL IMPLICATIONS:**

N/A

## **VOTING REQUIREMENTS:**

Simple Majority



ACTION	DECISION
PROPONENT	Mathinna Landcare Group
OFFICER	Angela Matthews, Corporate Services Coordinator Tenille Coker-Williams, Rates Officer
FILE REFERENCE	6414634 CM 25/16245
ASSOCIATED REPORTS AND DOCUMENTS	Request from Ratepayer – Mathinna Community Landcare Group

**OFFICER'S RECOMMENDATION:**

In accordance with the provisions of s.129 of the *Local Government Act 1993* and Council's *Rating Exemptions and Remission Policy no LG11*, Council **approves a General Rate remission and a 50% Service Charge Remission to the total value of \$1051.25** as requested for the property known as 4 Dunn Street, Mathinna identified as PID 6414634.

**INTRODUCTION:**

Council has received correspondence from the Mathinna Community and Landcare Group requesting a rate remission for the church they own at 4 Dunn Street, Mathinna. Council have previously approved the rates remission in the financial years 2022/2023, 2023/2024 and 2024/2025.

**OFFICER'S REPORT:**

The Mathinna Landcare Group purchased the church at 4 Dunn Street, Mathinna previously owned by the Trustees of the Diocese of Tasmania (Anglican Church) in August of 2021.

The community group is a not for profit organisation and all money made goes back into Mathinna community projects. The church is only used for community activities, funeral services and baptisms.

Council's Rating Exemptions and Remissions Policy LG11 allows for the option of remitting the general rate and a 50% service charge remission if the general rate remission is approved for non-profit community organisations who have a proven benefit to the Break O'Day community.

Council has previously approved this remission in the 2022/2023, 2023/2024 and 2024/2025 financial years.

The rate remission policy states:

## **2. DISCRETIONARY REMISSIONS**

*Organisations which are not eligible for an exemption under Section 87 (d) of the Local Government Act 1993, may apply to Council for a rates remission.*

*Council will provide a remission of the General Rate to those ratepayers that are:*

- *Charitable organisations that would otherwise be eligible for an exemption, except that they are the ratepayer/occupier of the property and not the owner.*
- *Religious institutions that own residential properties that are occupied solely by the Church Minister and his/her family.*
- *A cemetery that is owned by a religious institution.*
- *A Church where the owners are not eligible for a remission as they are not registered as a charitable organisation, only if the organisation or owner is not-for-profit.*
- *Any other property which Council believes offers a benefit to the community \*.*

*\* Benefit to the community would include activities such as health promotion, advancement of education, relief of poverty, relief of needs for the aged, relief of sickness or distress or the advancement of religion. This needs to be assessed in the context of what has already been assessed as charitable by the Australia Taxation Office.*

## **3. CHURCH REMISSIONS – SERVICE CHARGES**

*In addition to exemptions and/or remission provided in relation to the General Rate, Council will also offer Churches a remission of 50% of the applicable service rates.*

### **ELIGIBILITY**

*It is intended that this policy apply to churches owned by religious, not-for-profit or charitable organisations; that are:*

- *Used exclusively as a place of worship; or*
- *Consecrated burial place; and*
- *Are eligible for an exemption and/or remission under this policy for General Rate.*

## **STRATEGIC PLAN & ANNUAL PLAN:**

N/A

## **LEGISLATION & POLICIES:**

Section 129 of the *Local Government Act 1993*  
Rate Remissions and Exemptions Policy LG011 (4)

## **BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

Rates Remission applicable to 2024/2025 Rates and Charges are as follows:

General Rate	\$800.00
Service Charges	\$251.25
<b><u>TOTAL</u></b>	<b><u>\$1,051.25</u></b>

## VOTING REQUIREMENTS:

Absolute Majority

**From:** [Bridgette Burns](#)  
**To:** [Break O Day Office Admin](#)  
**Subject:** Rates Exemption for St. Georges Church Mathinna  
**Date:** Sunday, 27 July 2025 10:53:28 AM

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You don't often get email from [bridgette.burns01@yahoo.com](mailto:bridgette.burns01@yahoo.com). [Learn why this is important](#)

**CAUTION:** Do not click links or attachments unless you recognize the sender and know the content is safe

To Whom it May Concern,

I am writing regarding a rate exemption for St. Georges Church at Mathinna. We have previously been granted an exemption on this property. The property is owned by the Mathinna Community and is still utilised for weddings and funerals for community members as well as other community events. If you could please advise on what will be needed to be completed to be granted this exemption.

Kind Regards,  
Bridgette Burns  
Mathinna Community and Landcare Group

[Yahoo Mail: Search, organise, conquer](#)

<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Angela Matthews, Corporate Services Coordinator
<b>FILE REFERENCE</b>	018\006\003\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	Letter to the General Manager requesting waiver Agenda Report from January 2015

**OFFICER'S RECOMMENDATION:**

That Council waive the repayment of \$15,830.96 for the loan provided in February 2015 in recognition of the financial contribution the company has made directly to Council initiatives like the sponsorship of the Stadium and Mountain Bike Tracks along with their community contributions through their grants program.

**INTRODUCTION:**

Council has received correspondence from the Break O'Day Community Financial Services Ltd, Company Secretary requesting that Council consider waiving the repayment of \$15,830.96 for the loan provided in 2015. The loan assisted with the funding of a Community Survey which was a requirement in the establishment of the St Helens/St Marys Bendigo Community Bank under the Bendigo Bank franchise model.

**PREVIOUS COUNCIL CONSIDERATION:****Council Workshop 4 August 2025****Council Meeting 19 January 2015**

01/15.15.7.027

Moved: Clr M Osborne / Seconded: Clr H Rubenach

That Council agree to assist with the cost of the Community Survey for the St Helens/St Marys Community Bank up to a maximum of \$30,000 through the provision of a 'loan' to the Steering Committee.

That a 'Memorandum of Understanding' be entered into with the St Helens/St Marys Community Bank Steering Committee regarding repayment of the 'loan' from future profits.

**CARRIED UNANIMOUSLY**

## OFFICER'S REPORT:

Council originally approved a loan to the Steering Committee of up to \$30,000 with the amount of \$15,830.96 ultimately provided. The Community Bank was established successfully and continues to operate in a positive way providing banking services to the Break O'Day area.

Since its establishment Break O'Day Community Financial Services Ltd has made significant contributions to the local community through its independent grants program as well as financial support for Council initiatives such as sponsorship of the Stadium as well as the Mountain Bike Trails.

Waiving the loan may be seen as recognition of the broader value already returned to the community and Council through the Bendigo Banks initiatives.

Clarification was sought from Break O'Day Community Financial Services Ltd as to why the request was coming forward for consideration now. The following advice was received advising "Our auditor has enquired as to what we are doing in relation to this item that keeps being rolled over in our financials and the audit process. Our new treasurer recommended we address the matter".

At the Council Workshops there was discussion around branch closures and there was a suggestion made that Council consider waiving the repayment of the loan however add a caveat stating that if the branch closes the funds must be paid back to Council. This has been included in this report for information, discussion and consideration of Council.

## STRATEGIC PLAN & ANNUAL PLAN:

### Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

#### Goal

Economic Development – To foster innovation and develop vibrant and growing local economies which offer opportunities for employment and development of businesses across a range of industry sectors.

#### Strategy

1. Develop and highlight opportunities which exist and can be realised in a manner that respects the natural environment and lifestyle of the BOD area.
2. Create a positive brand which draws on the attractiveness of the area and lifestyle to entice people and businesses' to live and work in BOD.
3. Support and encourage innovation and growth in the economy through local leadership; infrastructure provision; support services and customer focussed service delivery.

## LEGISLATION & POLICIES:

N/A

## BUDGET AND FINANCIAL IMPLICATIONS:

Waiving of this loan will result in a written off amount of \$15,830.96. This debt has been sitting on Council's accounts since 2015.

## VOTING REQUIREMENTS

Absolute Majority

25/1191

**Break O'Day  
Community Financial  
Services Limited**

Break O'Day Community Financial Services Ltd  
P O Box 86 St Helens Tas 7216  
0418 320 597  
[Sheree.archer127@gmail.com](mailto:Sheree.archer127@gmail.com)

30<sup>th</sup> March, 2025

**Mr John Brown**  
**General Manager – Break O'Day Council**  
32-34 Georges Bay Esplanade  
St Helens Tas 7216



Dear John,

In April, 2015 the Break O' Day Council supported the Steering Group of Break O' Day Community Financial Services by providing \$15,830.96 to fund a community survey seeking support or not for the establishment of a franchise of the Community Bendigo Bank in our community. This figure continues to appear in our financial records, it would seem timely for a decision to be made in relation to settling this arrangement.

Possible courses of actions:

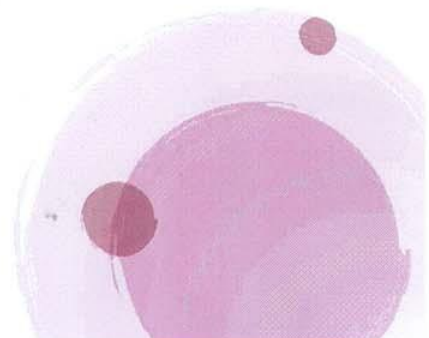
- the council might consider waiver the repayment of the \$15 000 in recognition of the financial contribution the company has made directly to council initiatives like the sponsorship of the Stadium and Mountain Bike Tracks along with our community contributions through our grants program.
- The company is trading positively and continues to provide a local banking service for our business owners and community members adding significantly to the livability within our regional community.

We will look forward to hearing back from you in the near future as to council's preferred option in regards to this matter.

Regards,

A handwritten signature in black ink, appearing to read "Sheree Archer", written over a horizontal line.

**Sheree Archer**  
COMPANY SECRETARY





ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	David Jolly, Manager Infrastructure and Development Services
FILE REFERENCE	014\002\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

**OFFICER'S RECOMMENDATION:**

That the report be received by Council.

**INTRODUCTION:**

This is a monthly summary update of the works undertaken through the Works and Infrastructure Department for the previous month and a summary of the works proposed for the coming month, and information on other items relating to Council's infrastructure assets and capital works programs.

**PREVIOUS COUNCIL CONSIDERATION:**

Provided as a monthly report – Council consideration at previous meetings.

**OFFICER'S REPORT:****Works Operations – General:**

	July 2025	August 2025
<b>Aerodrome</b>	<ul style="list-style-type: none"> <li>Routine inspections</li> <li>Runway maintenance grading.</li> </ul>	<ul style="list-style-type: none"> <li>Routine inspections.</li> </ul>
<b>Town Maintenance</b>	<ul style="list-style-type: none"> <li>Tree pruning.</li> <li>Footpath repairs.</li> <li>General town maintenance.</li> <li>Boat ramp inspections.</li> <li>Drain clearing.</li> <li>Pothole repairs - Commonwealth Bank carpark.</li> </ul>	<ul style="list-style-type: none"> <li>Installation of street furniture in Falmouth.</li> <li>General town maintenance.</li> <li>Ongoing surface aeration at the St Helens sports ground.</li> </ul>
<b>BODC Road Network</b>	<ul style="list-style-type: none"> <li>Maintenance grading Lottah, Tyne, Fingal, Mathinna, Evercreech, Ansons Bay Road to St Helens, Kennel Hill and Gardens Road.</li> <li>Road network signs replaced.</li> </ul>	<ul style="list-style-type: none"> <li>Culvert repair Upper Esk Road, Mathinna.</li> <li>Preparing for re-sheeting on Ansons Bay Road.</li> <li>Re-sheeting of the St Marys Recreation Ground and Fingal Recreation Ground.</li> </ul>

		<ul style="list-style-type: none"> <li>Shoulder work Georges Bay Esplanade.</li> <li>Verge maintenance - St Helens area.</li> </ul>
<b>MTB</b>	<ul style="list-style-type: none"> <li>Routine track maintenance.</li> <li>Trail inspections.</li> </ul>	<ul style="list-style-type: none"> <li>Routine track maintenance.</li> <li>Trail inspections.</li> </ul>
<b>Weed Management</b>	<ul style="list-style-type: none"> <li>Scamander - Caper spurge, thistles, Spanish heath, various.</li> <li>St Helens - Spanish heath, fleabane, crabgrass.</li> <li>Pyengana - Capeweed, thistles.</li> <li>St Marys - Spanish heath, gorse.</li> </ul>	

## Waste Management – General Information

General/Commercial & Industrial Waste (MSW) to Copping Landfill													
Year	Jul	A	S	O	N	D	J	F	M	A	M	Jun	FY
<b>2025/26 (T)</b>	*TBA												
<b>2024/25 (T)</b>	222	224	167	240	224	282	352	221	215	247	198	182	<b>2,774</b>
<b>Difference</b>													

\*TBA information from Copping Landfill weighbridge not available at time of writing this report.

BODC - Kerbside Comingled Recyclables Collection													
Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY
<b>2025/26 (T)</b>	39												
<b>2024/25 (T)</b>	43	41	40	56	48	56	73	51	48	51	45	38	<b>590</b>
<b>Difference</b>	-4												

**St Helens Waste Transfer Station:** Green waste mulch (coarse and fine grade material in stock) is available for purchase Monday – Friday, opening hours.

## CAPITAL WORKS

Item	Comment
Bridge 185 – Gillies Road	In-progress: Drafting replacement specification.
Bridge 2684 – Pedder Street	In-progress: Drafting replacement specification.
Georges Bay – Shared pathway solar lighting	In-progress: July – September.
Georges Bay Walking Track Extension	In-progress: Design stage.
Scamander WTS – Waste Compactor	In-progress. Cost estimate detail being updated to enable final “no-compactor” option to be considered by the Council at the October Council meeting.
Scamander Inert Landfill Development	In-progress. Master Plan completed. Detail design in progress with engagement with the Tasmanian EPA to occur post October 2025.
Scamander Coastal Hazards Project	In-progress: Community meeting part of project well attended in June.
St Helens Cemetery Master Plan improvements	Schedule start – August 2025: Columbarium Wall build.

St Marys Dog Park	Construction commenced 10 July 2025, nearing completion.
Storm Water – Aulichs Lane, St Marys	In-progress: Design completed, and materials purchased. Installation pending completion of sewer main works by Tas Water. Installation post Spring and TBA.
Storm Water – Penelope Street	In-progress: SW pipe installed – minor road resealing activity to be completed.
Road Resealing	2025/2026 Resealing Tender advertised and Open.
Tully Street – Northern end: Stormwater System Design	In-progress – Project scope defined. Request for Quotation documents under preparation.

## STRATEGIC PLAN & ANNUAL PLAN:

### Break O’Day Strategic Plan 2017-2027 (Revised March 2022)

#### Goal

Infrastructure - To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors.

#### Strategy

- Be proactive infrastructure managers by anticipating and responding to the growing and changing needs of the community and the area.
- Work with stakeholders to ensure the community can access the infrastructure necessary to maintain their lifestyle.
- Develop and maintain infrastructure assets in line with affordable long-term strategies.

## LEGISLATION & POLICIES:

N/A

## BUDGET AND FINANCIAL IMPLICATIONS:

N/A

## VOTING REQUIREMENTS:

Simple Majority

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Municipal Inspector
FILE REFERENCE	003\003\018\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

**OFFICER'S RECOMMENDATION:**

That the report be received by Council.

**INTRODUCTION:**

This report presents an activity summary for Councillors, covering the reporting period of July 2025.

**PREVIOUS COUNCIL CONSIDERATION:**

Provided as a monthly report – Council consideration at previous meetings.

**OFFICER'S REPORT:****Summary of Reporting Period – July 2025**

Category/Area	Binalong Bay, The Gardens, Ansons	Fingal, Mathinna	Falmouth, 4 Mile	Seymour, Denison	Beaumaris, Diana B	Scamander	St Helens, Stieglitz Pyengana	St Marys, Cornwall	REPORTING PERIOD TOTAL	2024- 2025  YTD
Dog - Attack on a person (Serious)									0	0
Dog - Attack on another animal (Serious)									0	0
Dog – Attack on another animal (Minor)							1		1	1
Dog – Attack on a person (Minor)									0	0
Dog - Declared Dangerous									0	0
Dog - Dangerous Dogs Euthanized									0	0
Dog - Barking									0	0
Dog - Chasing a person									0	0
Dog - Impounded							2		2	2
Dog - in Prohibited Area									0	0
Dog - Lost Dogs Reported				1					1	1
Dog - Rehomed/kennel for rehoming									0	0
Dog - Wandering/at large	1						3		4	4
Verbal Warnings	1						1		2	2
Notice Issued - Unregistered Dog	1								1	1

Notice Issued - Caution Notice									0	0
Notice Issued - Infringement Notice									0	0
Infringement Notice - Disputes							1		1	1
Infringement Notice - Revoked									0	0
Written Letter - Various matters to Dog		2					3	1	6	6
Patrols - Township/Urban Areas						1	3		4	4
Patrols - Beaches/Foreshore			1		2	1	2		6	6
Kennel Licence - Issued							1		1	1
Other - Cat complaints					1	1			2	2
Other - Livestock								1	1	1
Other - Poultry									0	0
Other - RSPCA intervention		1					1		2	2
<b>TOTAL</b>	<b>3</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>13</b>	<b>3</b>	<b>25</b>	<b>25</b>

**Dog registrations:** 2025/2026 - Registered to date: 1073 (77.6%). Pending: 309 (22.3%)

#### STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

##### Goal

Environment - To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

##### Strategy

Ensure the necessary regulations and information is in place to enable appropriate use and address inappropriate actions.

#### LEGISLATION & POLICIES:

- *Dog Control Act 2000*
- *EP05 Dog Management Policy*

#### BUDGET AND FINANCIAL IMPLICATIONS:

N/A

#### VOTING REQUIREMENTS:

Simple Majority

## 08/25.15.0 COMMUNITY DEVELOPMENT

### 08/25.15.1 Community Services Report

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Jenna Barr, Community Services Officer
FILE REFERENCE	011\034\006\
ASSOCIATED REPORT AND DOCUMENTS	Nil

#### OFFICER'S RECOMMENDATION:

That the report be received.

#### INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various activities which are being dealt with by the Community Services Department.

#### PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

#### OFFICER'S REPORT:

The Community Services team is committed to ensuring that all our programs, services, and initiatives are guided by a strong commitment to access and inclusion. This approach is embedded in everything we do, ensuring that all members of our community—regardless of age, ability, background, or circumstance—can participate fully and equitably.

Our team actively advocates for inclusive practices in all the networks and meetings we are part of, both within Council and in collaboration with external partners. By championing access and inclusion at every level, we aim to foster a more connected, supportive, and equitable community for all.

#### 2024 – 2025 Community, Council Events, Programs and Initiatives

Items listed below are supported by a Council decision or have been approved through the yearly budget process.

Grants Programs	2025-2026 Budget	Funds expended on project or forwarded to community group
Community Grants	60,000	
Art & Culture Community Grants	30,000	
School Prizes	1,000	
Contributions to Events		

Swimcart	1,000	
St Helens Athletic Carnival	2,500	
Carols by Candlelight	1,600	
Fingal Valley Coal Festival	2,000	
Pyengana Endurance Ride -	500	
St Helens Game Fishing Comp	2,000	
Marketing Valley Tourism	2,500	
Bay of Fires Art Prize	10,000	
Bay of Fires Winter Arts Market –	4,000	
St Marys Community Car & Bike Show	2,000	
East Coast Masters Golf Tournament	2,500	
BODRA Winter Lights	2,000	
Suicide Prevention	1,000	
Pyengana Easter Carnival	1,000	
Australia Day Event – Woodchopping	\$5,000	
Misc Donations & Events	7,500	
Wellbeing Festival	3,500	
Mannalargenna Day	2,500	
<b>Council Sponsorship</b>		
Funding for BEC Directory	2,000	
St Helens Marine Rescue	3,000	
Business Enterprise Centre (BEC)	28,000	
<b>Council Sponsorship</b>		
Seniors Day	3,000	
Australia Day event	5,000	
Volunteer Week	2,500	
Mental Health Week	500	
International Disability Day event	1,000	
Christmas Decorations	6,000	
<b>Specific Programs &amp; Initiatives</b>		
Youth Services	8,000	
Welcome to Town Christmas Signs	1,500	

Updates on current projects being managed by Community Services:

### Reconciliation Plan

Council staff are working with Councillors to develop a cultural inclusion plan that outlines specific actions and initiatives to be undertaken in collaboration with our local Aboriginal community.



## Bay of Fires Master Plan

The consultants working on developing the Bay of Fires Master Plan have provided the following update:

*“Thank you to all the community members and stakeholders who took the time to share their feedback on the Bay of Fires Masterplan. Your input has confirmed we're heading in the right direction.*

*The project team has carefully considered all the feedback and is now beginning to draft the Masterplan. We'll be bringing it back for community input in the coming months.*

*Engaging with the Tasmanian Aboriginal community remains one of our core principles, and we're allowing more time to ensure those important conversations can happen—especially as their capacity is limited at the moment.”*

## Community Events/Activities

Community Services staff have been working with community members in ensuring that all the great events listed below are able to go ahead. We thank the volunteers who put a lot of their time into organising these events so that the community and visitors to our area can enjoy what we have in our municipality.

### August 2025

7- Building Blocks – St Marys Hall

9 – Come and Try Day – Orienteering – St Helens Foreshore

18 – Vietnam Veterans Day – Portland Hall

23 – Upcycling/recycling Event – St Marys Hall

### September 2025

13 – Aust Cycling Event – Fingal Recreation Grounds

19 – Friendship day – Break O'Day Stitchers – Portland Hall

## Learner Driver Mentor Program

The new learner driver car is performing well, The car will be taken through to Launceston this month to get wrapped with the Learner Driver Mentor Logos. Request for new mentors have been advertised this Month.

Total on-road hours – 46

Total Mentors - 2

Learner in car - 11

Waiting list – 8

Graduated – 1

## Community Wellbeing Project

Council staff are working on finalising the grant funds in readiness to acquit the grant.

## Youth

No report at this time

## Health and Wellbeing

The next Health and Social Services Network meeting will be held at St Helens on Monday 8 September at the Council Chambers. The network continues to be a forum for sharing good news, stories updates and opportunities and identifying ways we might all collaborate.

### STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

#### Goal

Community - To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued.

#### Strategy

- Build community capacity by creating opportunities for involvement or enjoyment that enable people to share their skills and knowledge.
- Foster a range of community facilities and programs which strengthen the capacity, wellbeing and cultural identity of our community.

### LEGISLATION & POLICIES:

N/A

### BUDGET AND FINANCIAL IMPLICATIONS:

N/A

### VOTING REQUIREMENTS:

Simple Majority

ACTION	INFORMATION
PROPONENT	Department
OFFICER	Jake Ihnen, Development Services Coordinator
FILE REFERENCE	031\013\003\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

**OFFICER'S RECOMMENDATION:**

That the report be received.

**INTRODUCTION:**

The purpose of this report is to provide Councillors with an update of various activities which have been dealt with by the Development Services Department since the previous Council meeting.

**PREVIOUS COUNCIL CONSIDERATION:**

Provided as a monthly report – Council consideration at previous meetings.

**OFFICER'S REPORT:****KEY DEPARTMENT STRATEGIC OR OPERATIONAL MATTERS**

1. Development Services staff attended participated in feedback relating to the regulation of Tiny Homes.

## PLANNING REPORT

The following table provides data on the number of applications approved for the month including statistical information on the average days to approve and the type of approval that was issued under the *Land Use Planning and Approvals Act 1993*:

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	YTD	EOFY 2024 / 2025
<b>NPR</b>	2												2	
<b>Permitted</b>														
<b>Discretionary</b>	15												15	
<b>Amendment</b>	1												1	
<b>Strata</b>														
<b>Final Plan</b>	1												1	
<b>Adhesion</b>														
<b>Petition to Amend Sealed Plan</b>														
<b>Boundary Rectification</b>														
<b>Exemption</b>														
<b>Total applications</b>	19												19	205

<b>Ave Days to Approve Nett *</b>	39.68													
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\* Calculated as Monthly Combined Nett Days to Approve/Total Applications

The following table provides specific detail in relation to the planning approvals issued for the month:

Jul 2025

DA NO.	LOCATION	DESCRIPTION	SECTION	Day to Approve Gross	Days to Approve Nett
098-2025	St Helens	Shed	NPR	15	15
069-2025	St Helens	New Dwelling - Visitor Accommodation	S57	38	37
066-2025	Binalong Bay	Dwelling Alterations/Additions	NPR	1	0
079-2025	St Helens	Construction of a Dwelling & Shed	S57	48	43
037-2025	St Helens	Extension to Existing Processing Shed	S57	86	42
214-2024	St Helens	Construction of a Garage	S57	253	41
027-2025	St Helens	6 Lot Subdivision	S57	139	42
125-2025	Stieglitz	Dwelling and Outbuilding	S57	378	41
051-2025	St Helens	Construction of a Single Dwelling, Retrospective Approval of Two Existing Garden Sheds and Demolition of One Garden Shed	S57	64	41
076-2025	Falmouth	Community Meeting & Entertainment - Alterations/Additions to Community Centre	S57	37	36
025-2025	Falmouth	Construction of a Dwelling and Outbuildings	S57	99	98
055-2025	Stieglitz	Demolition of Existing Outbuildings, Construction of Dwelling Additions and Alterations	S57	55	54
235-2024 FINAL	St Marys	Boundary Adjustment – FINAL PLAN OF SURVEY	FINAL	21	21
041-2019 AMEND 2	St Helens	Minor Amendment - Placement of Shipping Container	S56	3	3
213-2024	Beaumaris	3 Lot Subdivision	S57	85	85
040-2025	St Marys	Retrospective Approvals of Dwelling Additions, Front Fence and Associated Works AND Construction of a New Garage	S57	39	38
052-2025	Binalong Bay	Additional Use for Visitor Accommodation	S57	42	41
099-2025	Seymour	Secondary Residence	S57	43	34
067-2025	Scamander	2 Lot Subdivision (Boundary Adjustment)	S57	78	42

19

**Denotes Applications Requiring a Planning Authority Decision due to representations being received.**

## Strategic Planning Projects in the 2025/2026 financial year

Description	Percentage Complete	Current Update
Scamander-Beaumaris Structure Plan - Progress the project with the aim of addressing land use needs and development planning strategies for the Scamander-Beaumaris area; adoption by Council and commence progression of recommendations.	10%	<p>The first round of consultation with staff and elected representatives has occurred. The consultations and engagement process has commenced with good response.</p> <p>The consultants have commenced work on the state of play report.</p>
Regional Land Use Strategy - Participate in the development of the new Northern Tasmania Regional Land Use Strategy, resulting in adoption by Council	10%	<p>Break O'Day is actively participating in the review of the Northern Tasmania Regional Land Use Strategy (NTRLUS) through the Regional Planning Group (RPG).</p> <p>The consultants are currently working on the Strategic Directions document following workshops with council staff, elected representatives and state government agencies.</p>
Industrial Land Use Strategy - Finalise the Industrial Land Use Study resulting in adoption by Council, progress any Immediate Recommendations of the report/findings	25%	The stakeholder engagement strategy has been completed, and a survey has been released. A further survey will be released shortly with one on one consultation being sought with relevant stakeholders.
Scenic Areas Assessment - progress a Scenic Areas Assessment furthering previous work completed to inform any further amendments to the Local Provisions Schedule of the Tasmanian Planning Scheme	0%	This project work is scheduled to commence in early 2026.

## BUILDING PROJECTS REPORT

### Projects Completed in the 2025/2026 financial year

Description	Location	Updates
NIL		

### Projects ongoing – Capital Works Program (Includes carried over projects previous financial years)

Description	Location	Updates
Insurance Claim Works – Water Damage	Portland Hall (Senior Citizens Wing)	<ul style="list-style-type: none"> <li>Floor and ceiling damage in July storm;</li> <li>Insurance claim underway.</li> </ul>
Building upgrades	St Marys Railway Station	<ul style="list-style-type: none"> <li>Repainting identified as priority which is now underway.</li> <li>Scheduled for completion prior to end August 2025.</li> </ul>
Air-conditioning upgrades & Commencement of Internal Painting	Council Office	<ul style="list-style-type: none"> <li>Internal lighting upgrades to LED fittings currently being installed;</li> <li>Air Conditioning Upgrades delayed by contractor due to availability of parts.</li> <li>Scheduled for completion during August 2025.</li> </ul>
Demolition & Construction of New Public BBQ Facility and Associated work	Village Green, Binalong Bay	<ul style="list-style-type: none"> <li>Works nearing completion.</li> </ul>
Additions & Internal Alterations	Falmouth Community Centre	<ul style="list-style-type: none"> <li>Pending structural design package and regulatory approvals.</li> <li>Works are planned to progress in September 2025 pending above.</li> </ul>
Demolition of Existing Toilet & Construction of New Facility	Beach Reserve, Falmouth	<ul style="list-style-type: none"> <li>Pending structural design package and regulatory approvals.</li> <li>Works are planned to progress in September 2025 pending above.</li> </ul>
Internal Renovations	Hub 4 Health, Portland Court, St Helens	<ul style="list-style-type: none"> <li>Works to commence in August 2025.</li> </ul>
Installation of Roof Mounted Solar Panels & New Electric Heaters	St Marys Hall	<ul style="list-style-type: none"> <li>Costings currently being sourced and works commencing as a matter of urgency.</li> </ul>

### Approved Capital Works Program – Current & Previous Financial Year - not yet started



Description	Location	Updates
Repair Render & Repaint Front Fascade	Portland Hall, St Helens	<ul style="list-style-type: none"> <li>• Works scoping to be conducted in conjunction with design work for Memorial Park toilet replacement.</li> <li>• New Budget approved in capital works program.</li> </ul>
Community Consultation, Design & Development Approval Phase – Public Toilet Replacement	Memorial Park, St Helens	<ul style="list-style-type: none"> <li>• Community engagement phase to commence as priority in conjunction with consultant designer who has now been appointed;</li> <li>• Initial Concept planning underway</li> </ul>
Refurbish Toilet & Shower Facility	St Marys Sports Complex	<ul style="list-style-type: none"> <li>• Budget approved in capital works program.</li> <li>• Quotes currently being finalised.</li> </ul>
Installation of Roof Mounted Solar Panels	Fingal Depot	<ul style="list-style-type: none"> <li>• Budget approved in capital works program.</li> </ul>
Replacement of Roof Cladding & Fence & Installation of Garden Shed.	St Marys Tennis Club	<ul style="list-style-type: none"> <li>• Budget approved in capital works program.</li> <li>• Works scope now finalised, works currently being scheduled, aiming for commencement in late August 2025.</li> </ul>
Replacement of Roof Cladding	Pyengana Hall	<ul style="list-style-type: none"> <li>• Budget approved in capital works program.</li> </ul>
New Solar Powered Power Supply & Electrical Fit-out	St Marys Waste Transfer Station	<ul style="list-style-type: none"> <li>• Budget approved in capital works program.</li> </ul>
New Ceiling Insulation & Roof Replacement	St Helens Works Depot Office building	<ul style="list-style-type: none"> <li>• Budget approved in capital works program.</li> </ul>
Structural Stabilisation Works	St Marys Exhibition building	<ul style="list-style-type: none"> <li>• Budget approved in capital works program.</li> <li>• Pending decision of Council subsequent to Notice of Motion by Councillor Johnstone</li> </ul>
New Public BBQ Facility – Design Phase	Pyengana Recreation Ground	<ul style="list-style-type: none"> <li>• Budget approved in capital works program.</li> </ul>
Toilet/Amenities Replacements – Design Phase	St Helens Foreshore	<ul style="list-style-type: none"> <li>• Budget approved in capital works program.</li> <li>• Initial Concept planning underway.</li> </ul>

The below table provides a summary of the building approval issued for the month including comparisons to the previous financial year.

Building Services Approvals Report



July 2025

No.	BA No.	Town	Development	Value
1.	2025/00019	Falmouth	New Dwelling with attached Garage & Decks	\$400,000.00
2.	2025/00044	Binalong Bay	Alterations & Addition - Dwelling, Deck & Retaining wall	\$60,000.00
3.	2024/00244	Lottah	New Dwelling, Amenities Block & Separate Laundry	\$300,000.00
4.	2024/00214	St Helens	New Shed	\$22,000.00
5.	2024/00046-STAGE 1	Stieglitz	Demolition, Relocation (Dwelling) and New (Deck)	\$311,000.00
6.	2025/00011	St Helens	Demolition of Hospital	\$50,000.00
7.	2025/00066	Binalong Bay	Alterations & Additions - Dwelling & Deck	\$161,000.00
8.	2025/00002	St Marys	Demolition & New Garage & Carport	\$30,000.00
9.	2025/00079-STAGE 1	St Helens	New Dwelling & Solar System	\$555,000.00
10.	2022/00107	St Helens	New Dwelling & Decks	\$300,000.00
11.	2025/00013	St Helens	Alterations/Additions (Dwelling), Change of use (Garage to Habitable Space), New Building (Garage) & Retrospective (Dwelling alterations & Shed/Container)	\$135,000.00
12.	2022/00118	Akaroa	Plumbing only – Amenities to shed	N/A

ESTIMATED VALUE OF BUILDING APPROVALS FINANCIAL YEAR TO DATE	2024/2025	2025/2026
	\$1,325,000.00	\$2,324,000.00

ESTIMATED VALUE OF BUILDING APPROVALS FOR THE MONTH	MONTH	2024	2025
	July	\$1,325,000.00	\$2,324,000.00

NUMBER BUILDING APPROVALS FOR FINANCIAL YEAR TO DATE	MONTH	2023/2024	2024/2025
	July	4	12

Description	Updates
Break O'Day Council NRM Committee	<p>The NRM Committee Meeting scheduled for 5 August did not have a quorum of members available again. Two Councillor representatives nonetheless gathered to discuss the agenda and agreed to hold the next meeting on Tuesday 28 October, a week earlier than previously scheduled to coincide with community engagement for the Scamander Coastal Hazards and Flood Risk Management project.</p>
Scamander Coastal Hazards and Flood Risk Management project	<p>A project webpage has been established on Council's website to provide news on progress, outputs from the project and opportunities to participate. It has presentation slides from the community information workshop on 24 June, a questionnaire to share recollections and photos of the River Mouth and provide input on things people value at risk, and a project activities calendar.</p>  <p>The River's barway is continuing cycle through closing-up and being reopened again with machinery. Which is keeping inundation risks in mind when closed and the benefits and cost of maintaining lower water levels in the estuary by opening it again. The project is considering the challenges of managing flooding and erosion risks at the River Mouth with a cost/benefit approach.</p>
Community Awareness & Engagement	<p>This year's <i>Irapuna / Bay of Fires Community Weekend</i> beach walks event started with 26 people walking from Policemans Point to The Gardens recently.</p>  <p>Just over 1000 sea spurge plants were removed from this 13km coastline and 256 items of marine debris weighing 23kg. Three more days of walks around Eddystone Point are being held on 22–24 August.</p>

	Council supports this annual event organised by the Wildcare Friends of Irapuna Coast, along with the Parks and Wildlife Service (PWS), Tasmanian Walking Company, Tasmanian Aboriginal Land Council, and this year with funding support through a hooded plover project by NRM North with Australian Government's Saving Native Species program.
Cat Management	<p>Good progress is being made at Weldborough by Council and the RSPCA working together to control a large colony of semi-owned cats. Zoonotic disease, that can impact people, has been very prevalent in these cats. The cooperation of residents has been an important factor and will be needed to manage remaining feral and stray cats. Council is also working with the PWS to plan control of a colony at Scamander.</p> <p>Following community concern about feral and stray cats at Dianas Basin, the Mayor was interviewed on radio and highlighted that well-meaning free-feeding of stray and roaming cats can lead to large populations of cats (colonies) developing and the need for cat owners to care for their cats responsibly.</p>

## PUBLIC HEALTH REPORT

### Immunisations

The *Public Health Act 1997* requires that Councils offer immunisations against a number of diseases. The following table provides details of the rate of immunisations provided by Council through its school immunisation program.

MONTH	2025/2026		2024/2025	
	Persons	Vaccinations	Persons	Vaccinations
July - December	0	0	5	5
January - June	0	0	134	136
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>139</b>	<b>141</b>

### Sharps Container Exchange Program as at 9 July 2025

Current Year	Previous Year
YTD 2025/2026	YTD 2023/2024
9	7

## STRATEGIC PLAN & ANNUAL PLAN:

### Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

#### Goal

Environment – To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

### Strategy

- Ensure the necessary regulations and information is in place to enable appropriate use and address inappropriate actions.
- Undertake and support activities which restore, protect and access the natural environment which enables us to care for, celebrate and enjoy it.

### **LEGISLATION & POLICIES:**

N/A

### **BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

N/A

### **VOTING REQUIREMENTS:**

Simple Majority

<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	NRM Special Committee
<b>OFFICER</b>	Polly Buchhorn, NRM Facilitator
<b>FILE REFERENCE</b>	003\003\010\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	Shorebird Working Group - DRAFT Terms of Reference V1.2 - BODC Rev 7 Aug 2025

**OFFICER’S RECOMMENDATION:**

That Council, having considered the *DRAFT Terms of Reference V1.2* of the *Northeast Coast Shorebird Working Group*, refer its proposed revised draft to the Working Group for a final *Terms of Reference* to be returned to Council for consideration.

**INTRODUCTION:**

Council has been participating in and supporting the *Northeast Coast Shorebird Working Group* for several years and the group is seeking to clarify and formalise its role with some Terms of Reference.

**PREVIOUS COUNCIL CONSIDERATION:****Council Workshop 4 August 2025****OFFICER’S REPORT:**

Following Council’s 2014 review of its Dog Management Policy an informal group began meeting informally initially regarding implementation of Council’s Policy. Implementation of the Policy had been raised as an issue by many community submissions.

Participants came from Tasmania Parks and Wildlife Service (PWS), Council, North East Bioregional Network (NEBN), BirdLife Tasmania, NRM North and included community shorebird advocates and experts.

The group has met regularly since then and developed as a Shorebird Working Group, focusing and working on shorebird and sea bird issues and to coordinate seasonal activities. One example of its work is signage seen many beach accesses in the municipality with shorebird and habitat and dog access information and a school education program developed by NEBN. That work passed through the working group, with signs erected in conjunction with PWS and funding that NEBN secured, including some from Council’s Community Fund.





In recent years the PWS has taken a leading role in convening the group and meetings and drafting some terms of reference to move the working group to a more formal footing.

The attached draft Terms of Reference is the latest version with several edits applied following Council consideration of the draft at its recent Workshop discussion.

These include:

- A quorum for meetings (five), which was discussed by the Working Group in March 2025
- Following Council's Workshop discussion, and prompted by recent issues with feral cats in shorebird habitat areas, addition of threats to shorebirds as a matter for the Working Group
- Several further edits to clarify and simplify some points from a Council perspective, for example in relation to roles with ensuring compliance with regulations and rules for dog access to beaches.

Council also discussed its representation in the Working Group membership at its Workshop.

If Council is comfortable with this revised draft, it is proposed it be referred to the *Northeast Coast Shorebird Working Group* to consider. And a final Terms of Reference to return to Council in future for endorsement and consideration of Council's elected member representative.

## STRATEGIC PLAN & ANNUAL PLAN:

### Break O'Day Council Strategic Plan 2017 – 2027 (Revised March 2022)

#### Goal

Environment - To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

#### Strategy

1. Ensure the necessary regulations and information is in place to enable appropriate use and address inappropriate actions.
2. Increase the community's awareness of the natural environment; the pressures it faces; and actions we can take to sustain it and what it provides.
3. Undertake and support activities which restore, protect and access the natural environment which enables us to care for, celebrate and enjoy it.



4. Recognise and alleviate the issues and risks to the environment from our use, and the risk to us from a changing environment.

#### **LEGISLATION & POLICIES:**

*Local Government Act 1993 – Section 24 Special Committees*  
*Local Government (Meeting Procedures) Regulations 2015*

#### **BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

N/A

#### **VOTING REQUIREMENTS:**

Simple Majority

# Northeast Coast Shorebird Working Group

## Terms of Reference

01 November 2024

Version 1.2 – *plus BODC revisions 7 Aug. 2025*



## I. Background

The Shorebird Working Group (SWG) is comprised of local stakeholder groups and land managers that has been established to provide a platform to enable greater coordination and collaboration to better achieve on ground actions towards the conservation and protection of shorebirds and small terns (seabirds).

Tasmania's coastal fauna includes significant populations of birds that are dependent on the beach for breeding and the littoral zones for foraging and roosting. The habitats in Tasmania that are used by beach nesting (resident shorebirds and small terns) and migratory shorebirds are the non-forested open habitats around the coastline including spits, estuaries, tidal areas, salt marsh and sandy beaches (Bryant 2002), all of which are represented along the northeast coast.

Shorebirds and seabirds are exposed to continual human-sourced threats such as disturbance from beach walking and off-leash dogs, off road vehicles and from the loss of habitat due to invasive weeds. Managing these threats are critical to ensuring the greatest chance of shorebird survival in Tasmania, which is an important refuge with many species decreasing or having disappeared on mainland Australia.

Federal and state governments have the responsibility of providing a framework for migratory birds and threatened shorebirds and as such, have produced policy documents including the *Threatened Species Action Plan 2023-32*, *Towards Zero Extinctions*, the *National Recovery Plan for the Australian Fairy Tern*, the *Wildlife Conservation Plan for Migratory Shorebirds*, and the *Fairy Tern Response Plan*.

Shorebirds have an intrinsic value contributing to biodiversity and ecosystem maintenance vital for the Tasmanian economy, the environment and way of life essential for maintaining environment, ecosystems and landscapes for biodiversity, recreation and tourism and Aboriginal cultural values.

These Terms of Reference define the roles, functions, and operations of the SWG.

NOTE – Shorebirds and seabirds are disparate taxonomic groups that overlap in their use of coastal areas for nesting, feeding and roosting. They are two very different families of birds that share habitats and encounter the same location-based threats and pressures.

## 2. Roles and responsibilities of the SWG

The SWG will enable land manager and key regulatory agencies, the Parks and Wildlife Service and the Environment, Heritage and Land Branch of the Department of Natural Resources and Environment (NRET), and the Break O'Day Council to collaborate, at an operational level, with key stakeholder representatives.

The SWG will include representatives of organisations who are leaders in bird conservation and who can contribute skills and experience towards maintaining shorebird ecosystems.

Headline activities of the SWG include:

- Informally monitoring shorebird activity on a seasonal basis drawing upon more formal surveys provided by Australasian Wader Study Group and Australasian Seabird Group (BirdLife Australia) and Birdlife Tasmania
- Informal monitoring of trends in pressures and threats to shorebirds and their feeding, breeding and resting.
- Coordination of multiple stakeholders activities and support to individual stakeholder activities that support the goals of relevant policy and procedure, where resources permit.
- Regular reporting by regulatory agencies of compliance activities in bird habitat areas with data that enables monitoring and evaluation of levels of regulatory compliance.
- Coordination and support for the delivery of public information and education materials and activities for diverse groups such as beach goers, the general public, schools, commercial operators and event organisers.
- Providing a forum to enhance two-way communication and developing relationships for the benefit of managing shorebirds along the northeast coast.
- Providing an opportunity to support and advise on broader stakeholder engagement, including input to community and stakeholder engagement approaches and communications activities.

The SWG provides opinion, advice and perspectives and is not a decision-making body. Because the SWG is not a decision-making body, there is also no requirement for consensus within the group. Decision making should be deferred to the PWS Regional Manager and the BODC General Manager or executives of partner organisations, depending on the context of the situation.

## 3. Shorebird Working Group Membership

### 3.1 Shorebird Working Group - Chair

The SWG will be chaired by the PWS Regional Manager North (proxy to be the PWS Parks and Reserves Manager North East Coast or Regional Operations Manager North).

The Chair is responsible for scheduling and facilitating meetings, preparing and distributing materials before meetings, and completing appropriate records of meetings. Materials and records must be provided to members within 14 days of completed meetings. Meeting agendas are developed by the Chair in consultation with other Shorebird Working Group representatives. The administrative functions of this role may be shared among the members of the Shorebird Working Group representatives.

### 3.2 Membership

Organisations will be invited by the Regional Manager North, PWS NRE Tas. Organisations should be represented on the Roundtable by one nominated senior executive level person from

that organisation. Representatives are expected to understand the views of their stakeholders and be knowledgeable about shorebird management and the issues associated with same.

The member organisations of the SWG are:

- Parks and Wildlife Service (PWS) – Regional Manager North (Chair), PRM Northeast Coast and St Helens Field Centre representative,
- Break O'Day Council (BODC) – NRM Officer and 1x Elected Member (Councillor),
- Natural Resource Management – North (NRM) – Operations Manager, Biodiversity and Strategy,
- Australasian Wader Study Group and Australasian Seabird Group (BirdLife Australia)– nominated representative, and Birdlife Tasmania nominated representative
- Northeast Bioregional Network (NEBN) – nominated representative and NEBN Shorebird project officer, and

The SWG Chair may invite additional persons or staff and/or external guests, and other representatives of government and non-government agencies to provide input on relevant issues from time to time on an as-needs basis.

#### 4. Meetings

Meetings will be conducted formally with a meeting agenda issued at least one week before the meeting. The agenda will have a standing item relating to disclosure of any conflict of interest or matters that could be perceived as creating the opportunity for conflict of interest or perception of advantage.

A call for agenda items will be put to SWG members a least three weeks prior to a meeting of the SWG.

Five SWG members constitute a quorum for meetings.

A high-level summary of each meeting in the form of minutes and a record of required actions will be prepared by PWS and distributed to members within 2 weeks of the meeting.

The SWG will meet quarterly (dates below may be adjusted as required) or as required for no more than two hours duration. Meetings may be held in person (preferred) or via the electronic meeting platform, Microsoft TEAMS. Additional meetings may occur on an as needs basis with prior consultation.

Month	Date
February	2nd Wednesday of month
May	2nd Wednesday of month
August	2nd Wednesday of month
November	2nd Wednesday of month

Informal operations based meeting to occur pre-season (September – October) to ensure all logistics in place before 1 November.

Delegation of meeting attendance may only occur with the prior approval of the Chair of the SWG. The SWG members and other attendees are responsible for their own travel and associated expenses.



## 5. Communication protocols and values

The membership of the SWG commit to:

- Attending scheduled meetings.
- Freely and respectfully sharing information and thoughts with members of the SWG.
- Being open and honest in passing on the views, interests, concerns, and ideas of group members being represented.
- Respecting the ideas, questions and comments of all members and providing an atmosphere where all members feel comfortable and safe to participate.
- Conducting ongoing relationships with fellow group members and the project team with courtesy and sensitivity.
- Communicating in a manner that is non-confrontational and collaborative in approach.
- Providing and circulating relevant scientific and other literature so the groups considerations are based on contemporary science and management practices.
- Contributing in a positive way to finding solutions to issues or concerns and that support the overall implementation of the relevant policy and procedure.
- Remaining focused on issues and opportunities that are within scope, as associated with relevant policy and procedure.
- Provide timely decision making.
- Work responsibly to implement SWG initiatives, delivering outputs effectively (financial, policy and procedures, approvals and reputational) and managing associated implementation risks and opportunities.
- Escalate issues, decisions or approvals to the GM BODC and the PWS Northern Region RM, where appropriate.

ACTION	DECISION
PROPONENT	Development Services
OFFICER	Deb Szekely, Senior Town Planner. Polly Buchhorn, NRM Facilitator
FILE REFERENCE	23/5310
ASSOCIATED REPORTS AND DOCUMENTS	1. Draft amendment 01-25 State Coastal Policy 1996 2. State Coastal Policy 1996 3. Background report on draft amendment 01-2025 - March 2025

**OFFICER'S RECOMMENDATION:**

That Council make a submission to the Tasmanian Planning Commission regarding the *Draft amendment 01-25 State Coastal Policy 1996* regarding provisions for development on 'actively mobile landforms' in Outcomes 1.4.1 and 1.4.2 of the State Coastal Policy.

**INTRODUCTION:**

The purpose of this report is to provide and recommend points of comment Break O'Day Council submits to the Tasmanian Planning Commission, regarding the *Draft amendment 01-25 State Coastal Policy 1996*.

**PREVIOUS COUNCIL CONSIDERATION:****Council Workshop 4 August 2025****OFFICER'S REPORT:**

The Tasmanian Government is seeking an amendment (Draft Amendment 01-25) to the State Coastal Policy 1996 (SCP) and has referred a draft amendment to the Tasmanian Planning Commission (TPC), including a *Background report on draft amendment 01-2025*. The Commission is receiving submissions until 25 August 2025.

The intent of the proposed amendment to the SCP is to allow consideration of appropriate development to occur on actively mobile landforms. In its current form, Outcome 1.4.2 of the SCP prohibits development and works on 'actively mobile landforms' except for engineering or remediation works to protect people, property and land.

The Tasmanian Planning Commission (TPC) has determined that the proposed amendment is a significant change to the Coastal Policy and is the subject of the current exhibition period for which submissions are sought (closing 25 August 2025).

The Tasmanian Government initiated changes to the State Coastal Policy as it was concerned Outcomes 1.4.1 and 1.4.2 of the Policy together were ambiguous and unreasonable in application, regarding the term 'actively mobile landforms' and by prohibiting development and works (except for 'engineering or remediation' works to protect people, property and land).



The proposed amendments are to change both Outcomes 1.4.1 and 1.4.2 of the SCP to clarify

- both what is meant by ‘actively mobile landforms’ and development on them;
- introduce a ‘performance based’ approach to allowing development on such land to be considered; and
- add an associated definition for ‘tolerable risk’, as a performance criterion.

## Background

In 2024 the Tasmanian Government introduced related ‘validation’ legislation to avoid past decisions being vulnerable to the shortcomings, which were identified during approvals processes for the Robins Island windfarm development.

The following Outcomes are provided for in the SCP with regard to Coastal Hazards:

### Outcome 1.4.1

*Areas subject to **significant risk** from natural coastal processes and hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility and sea level rise will be identified and managed to minimise the need for engineering or remediation works to protect land, property and human life.*

### Outcome 1.4.2

*Development on **actively mobile landforms** such as frontal dunes will not be permitted except for works consistent with Outcome 1.4.1.*

*Note:*

The effect of Outcome 1.4.2 is to preclude development on actively mobile landforms except for engineering or remediation works. “This effectively prohibits any subdivision, structure, pathway, fence, jetty, sign or lopping of trees on an ‘actively mobile landform’ (SPO, 2025). The term ‘actively mobile landforms’ is not defined.

The draft amendment would replace these and add a definition:

### Outcome 1.4.1

*Land subject to **significant risk** from natural coastal processes or hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility or sea level rise will be identified and managed to minimise the need for works to protect land, property, coastal values or human life.*

### Outcome 1.4.2

*Use and development on land subject to **significant impacts** from natural coastal processes or hazards, such as those listed in Outcome 1.4.1, will only be allowed for works necessary to protect land, property, coastal values and human life, unless it can be demonstrated that the use and development:*

- a) can achieve and maintain a **tolerable risk** for the intended life of the use and development;*
- b) **benefits the public** or is dependent on the particular location; and*
- c) considers the impacts on coastal values and natural processes and those impacts are managed in accordance with the objectives, principles and outcomes of this Policy.*

*Note:*

The effect of amending Outcome 1.4.2 is to remove prohibition of development and introduce a performance-based policy response that includes a risk threshold (tolerable risk) similarly utilised in the hazard codes of the State Planning Provisions. The SCP is proposed to also include a definition for a tolerable risk.

***Tolerable risk [definition]***

*“tolerable risk” means the lowest level of likely risk from the relevant hazard:*

*a) to secure the benefits of a use or development in a relevant hazard area; and*

*b) which can be managed through:*

*i. routine regulatory measures; or*

*ii. by specific hazard management measures for the intended life of each use or development.*

This definition reflects the current definition of ‘tolerable risk’ within Table 3.1 Planning Terms and Definitions of the State Planning Provisions.

The amendment would remove the term ‘actively mobile landforms’ from the SCP, which is not defined within any instrument and has caused varying opinion on what should constitute an ‘actively mobile landform’. The Policy Outcome will instead refer to “*natural coastal processes or hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility or sea level rise*” as the sole reference to the natural hazard.

The amendment also opens the SCP provisions up to contemplate use and development on affected land where performance criteria are demonstrably met, including ‘tolerable risk’. State government concerns with the current Outcomes 1.4.1 and 1.4.2 of the SCP include that they prohibit works and development they shouldn’t.

*Outcome 1.4.2 does not allow for development or works such as jetties, wharfs, removal of weeds, signs or even constructed pathways over dunes to be considered on ‘actively mobile landforms’.* ([State Planning Office](#))

The *State Policies and Project Act 1993* ensures that State Policies, including the Coastal Policy, override provisions of a planning scheme to the extent of any inconsistency. The amendment would then apply to the Tasmanian Planning Scheme, which includes Coastal Erosion and Inundation Codes, and Council’s Local Provisions Schedule. It would however be an expectation that the Draft Tasmanian Planning Policies, Regional Land Use Strategies, State Planning Provisions and Local Provisions Schedules once reviewed by the TPC and determined to be consistent with the SCP, any further assessment of a development application against the SCP is not required. Any amendment to the SCP should be reflected in subordinate planning instruments.

The TPC Background report on the amendment states:

*It is the intention of the Minister to make a request to the Governor to declare the draft amendment to the SCP to be an Interim State Policy.* (p.11)

Section 12 of the *State Policies and Project Act 1993* Act provides for this, which can occur concurrently, giving interim effect to the amendment to the SCP during the exhibition stage and whilst the TPC determines the application to amend the SCP.

Points recommended to be made by Council in a submission include:

1. Changes to the Policy be reflected in subordinate planning instruments. It is important that any amended State Coastal Policy, introducing a performance based approach, is reflected satisfactorily in the draft Tasmanian Planning Policies, the Regional Land Use Strategies and the Tasmanian Planning Scheme. Additionally, due to the exemptions within each Hazard Code (State Planning Provisions), it is important that any changes to the State Coastal Policy are also reflected in Determinations for building in hazardous areas (Consumer, Building and Occupational Services (CBOS)). The Resource Management and Planning System must be consistent and extend through to the Building regulatory system to ensure development within Tasmania continues to work towards achieving certainty in direction and expectations of sustainable development;
2. Council agrees in principle with the intention of a risk-based approach to development on land subject to natural coastal processes or hazards in contrast to the 'self-executing prohibition'.
3. 'Significant impact' be defined, or how it is determined - for instance in relation to current coastal erosion and inundation hazard levels and mapping, and climate change scenarios and time horizons for planning and adaptation of land use and development in Tasmania.
4. How does Outcome 1.4.2 relate to development such as subdivision when considering a) to c) i.e. benefit to the public. Additionally, there is difficulty in determining public benefit.
5. "...and maintain a tolerable risk ..." in Outcome 1.4.2 a) is supported by Council. But with concern for how works and development proposals will include 'adaptation planning' to maintain tolerable risk, how proposals are assessed, conditioned and enforced by planning authorities for maintenance of tolerable risk, and what happens when tolerable risk approaches being unachievable?
6. And in relation to maintaining Tolerable Risk (Outcome 1.4.2 a)), in the definition of Tolerable Risk how should "routine regulatory measures" be interpreted and applied? It must not place on authorities the onus to maintain tolerable risk, and liability for losses. The definition and amendment must ensure Tolerable Risk is born by the owner and beneficiaries of "use or development in a relevant hazard area".
7. There is an imbalance between natural coastal values and processes, securing the benefits of a use or development in a relevant hazard area, and public benefit in the performance-based risk approach proposed. Outcome 1.4.2 c) should be strengthened to make explicit in the assessment of tolerable risk the maintenance of natural coastal values and processes the rest of the SCP provides for, and not simply rely on 'consideration' of impacts on them.
8. Do the drafting rules intend to ensure proposed Outcome 1.4.2 a) to c) are satisfied or does it require amendment i.e. does b) and c) also apply to a) – convention.
9. Consideration should be given to ensuring prudent climate change scenarios projecting things like sea level rise and rainfall, and timeframes (e.g 2130 rather than 2100 for a 100 year intended life) are required for the assessment, demonstration and maintenance of tolerable risk.

Attached to the Agenda are copies of the *Background report on draft amendment 01-2025 - March 2025* and a copy of the draft amendment. Further information is available from the websites of the [Tasmanian Planning Commission](#) and the [State Planning Office](#).

## STRATEGIC PLAN & ANNUAL PLAN:

### Break O'Day Council Strategic Plan 2017 – 2027 (Revised March 2022)

#### Goal

Environment - To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

#### Strategy

1. Ensure the necessary regulations and information is in place to enable appropriate use and address inappropriate actions.
2. Recognise and alleviate the issues and risk to the environment from our use and the risk to us from a changing environment.

#### *Key Focus Area:*

Appropriate Development - Encourage sensible and sustainable development through sound land use planning, building and design.

## LEGISLATION & POLICIES:

State Coastal Policy 1996

*State Policies and Project Act 1993*

*Land Use Planning and Approvals Act 1993*

Draft Tasmanian Planning Policies

## BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

N/A

## VOTING REQUIREMENTS:

Simple Majority

## ATTACHMENT 1 – Referred Amendment

### Proposed amendment -

#### Amendment 01-25 to the State Coastal Policy 1996

1. Delete Outcome 1.4.1 and replace with:

*Land subject to significant risk from natural coastal processes or hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility or sea level rise will be identified and managed to minimise the need for works to protect land, property, coastal values or human life.*

2. Delete Outcome 1.4.2 and replace with:

*Use and development on land subject to significant impacts from natural coastal processes or hazards, such as those listed in Outcome 1.4.1, will only be allowed for works necessary to protect land, property, coastal values and human life, unless it can be demonstrated that the use and development:*

- a) *can achieve and maintain a tolerable risk for the intended life of the use and development;*
- b) *benefits the public or is dependent on the particular location; and*
- c) *considers the impacts on coastal values and natural processes and those impacts are managed in accordance with the objectives, principles and outcomes of this Policy.*

3. In the Definitions section, following the definition of 'planning controls', insert the following definition of 'tolerable risk':

***Tolerable risk***

***"tolerable risk" means the lowest level of likely risk from the relevant hazard:***

- a) *to secure the benefits of a use or development in a relevant hazard area; and*
- b) *which can be managed through:*
  - i. *routine regulatory measures; or*
  - ii. *by specific hazard management measures for the intended life of each use or development.*

# TASMANIAN STATE COASTAL POLICY

1996

**Revised 16 April 2003 in accordance with the  
*State Coastal Policy Validation Act 2003***

**Revised to take account of a minor amendment  
that was *Gazetted* on 25 February 2009**

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## Preamble

The State Coastal Policy is a policy created under the State Policies and Projects Act 1993. State Policies, also known as Tasmanian Sustainable Development Policies, are a new policy mechanism created under the Tasmanian Resource Management and Planning System and they apply across the State.

A State Policy is a statutory document which is intermediate between the provisions of an Act and the lesser policies and provisions of planning schemes and other mechanisms identified in the relevant legislation comprising the System.

The State Policies and Projects Act 1993 determines the functions of a State Policy and what it can contain:

- S.5(1) A State Policy-
- (a) must seek to further the objectives set out in Schedule 1; and
  - (b) may be made only where there is, in the opinion of the Minister, a matter of State significance to be dealt with in the State Policy; and
  - (c) must seek to ensure that a consistent and coordinated approach is maintained throughout the State with respect to the matters contained in the State Policy; and
  - (d) must incorporate the minimum amount of regulation necessary to obtain its objectives.

The central objective of any State Policy is sustainable development. This means that it must address the use, development and protection of natural and physical resources together with the objectives relating to public involvement and the sharing of responsibility in resource management and planning as well as those relating to economic development. The State Coastal Policy incorporates the Schedule 1 objectives for sustainable development.

In order to be effective a State Policy has to be implemented fully. A number of statutory and non-statutory implementation tools exist for use by State and local government. It is likely that each State Policy will require a different combination of implementation mechanisms, dependent on its subject matter.

Statutory tools include provisions under statutes comprising the Resource Management and Planning System and discretionary and other actions provided for in existing statutes. Non-statutory tools include Ministerial advice, Cabinet directives, Codes of Practice review and development, guidelines and educational initiatives, the budgetary process, and a range of economic instruments. Establishing institutional arrangements such as the State Coastal Advisory Committee (SCAC) will also aid policy implementation.

Of major importance with regard to implementation and enforcement of a State Policy are the provisions of the State Policies and Projects Act 1993 contained in Sections 13 and 14.

- S.13(1) Where there is an inconsistency between a provision of a State Policy and the provision of a planning scheme or a special planning order in force at the time when the State Policy comes

into operation, the provision of the planning scheme or special planning order is void to the extent of the inconsistency.

To avoid any inconsistencies the State's peak planning body, the Land Use Planning Review Panel, is required to remove inconsistencies between a State Policy and planning schemes and interim orders.

- S.13(3) The Panel must, as soon as practicable after a State Policy comes into operation, amend a planning scheme or an interim order to remove any inconsistency between it and the State Policy.

All new schemes, of course, are required to be consistent with any State Policy that is in effect when the scheme is prepared. In addition, this particular State Policy, the State Coastal Policy, specifically requires planning authorities to implement it. Compliance with a State Policy is enforced through the provisions of S.14(1).

- S.14(1) A person who contravenes or fails to comply with a provision of a State Policy or a requirement or obligation imposed under a State Policy is guilty of an offence punishable on summary conviction in accordance with subsection (2).

- (2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding 500 penalty units, and a person who is so convicted in respect of a continuing contravention of or failure to comply with a provision of a State Policy or a requirement or obligation imposed under a State Policy-
- (a) is liable, in addition to the fine otherwise applicable to that offence, to a fine for each day during which the contravention or failure to comply continued of not more than 50 penalty units; and
  - (b) if the contravention or failure to comply continues after the person is convicted, is guilty of a further offence against subsection (1) and is liable, in addition to the fine otherwise applicable to that further offence, to a fine for each day during which that contravention or failure to comply continued after that conviction of not more than 50 penalty units.

On the whole, all government bodies at State and local level are required to give effect to a State Policy 'to ensure that a consistent and coordinated approach is maintained throughout the State' as set out in S.5(1)(c) of the State Policies and Projects Act.

For further information on the State Coastal Policy please contact:

Coastal and Marine Branch  
 Department of Primary Industries, Water & Environment  
 6th Floor, Lands Building, 134 Macquarie Street  
 GPO Box 44  
 Hobart TAS 7001  
 Phone: 03 6233 3963  
 Fax: 03 6233 6800  
 Email: [Coastal.Enquiries@dpiwe.tas.gov.au](mailto:Coastal.Enquiries@dpiwe.tas.gov.au)

## STATE COASTAL POLICY

### APPLICATION OF THE STATE COASTAL POLICY

This Policy applies to the Crown in all its capacities, in particular by force of ss.4 and 14 of the State Policies and Projects Act 1993 and s.63(2) of the Land Use Planning and Approvals Act 1993. Subject to contrary statutory provision, it also applies to statutory authorities.

Planning authorities are also required to give effect to this Policy.

The State Coastal Policy applies to all of Tasmania, including all islands except for Macquarie Island which is subject to a special management regime.

### DEFINITIONS

#### **Coastal Zone**

Under the *State Coastal Policy Validation Act 2003*, a reference in the State Coastal Policy 1996 to the coastal zone is to be taken as a reference to State waters and to all land to a distance of one kilometre inland from the high-water mark.

The Act states that "State waters" has the same meaning as in the *Living Marine Resources Management Act 1995*.

#### **Sustainable Development**

(Schedule 1, State Policies and Projects Act 1993)

The term "sustainable development" means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while:

- a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
- b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- c) avoiding, remedying or mitigating any adverse effects on the environment.

#### **Activities**

"activities" means any human action occurring in the coastal zone including use and development.

#### **Amenity Value**

(Environmental Management and Pollution Control Bill 1993)

"amenity value" of an area includes any quality or condition of the area that is conducive to its enjoyment.

#### **Development**

*State Coastal Policy*

(Land Use Planning and Approvals Act 1993)

"development" includes-

- a) the construction, exterior alteration or exterior decoration of a building; and
- b) the demolition or removal of a building or works; and
- c) the construction or carrying out of works; and
- d) the subdivision and consolidation of land, including buildings or airspace; and
- e) the placing or relocation of a building or works on land; and
- f) the construction or putting up for display of signs or hoardings.

### **Works**

(Land Use Planning and Approvals Act 1993)

"works" includes any change to the natural or existing condition or topography of land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil, but does not include forest practices, as defined in the *Forest Practices Act 1985*, carried out in State Forests.

### **Environment**

(Environmental Management and Pollution Control Act 1994)

"environment" means land, air, water, organisms and ecosystems, and includes-

- (a) human-made or modified structures or areas; and
- (b) the amenity values of an area.

### **Land**

(Land Use Planning and Approvals Act 1993)

"land" includes-

- (a) buildings and structures permanently fixed to land; and
- (b) land covered with water; and
- (c) water covering land; and
- (d) any estate, interest, easement, servitude, privilege or right in or over land.

### **Planning Schemes**

(Land Use Planning and Approvals Act 1993)

"planning schemes" means any planning scheme in force under section 29 of the *Land Use Planning and Approvals Act 1993*.

### **Precautionary principle**

(Intergovernmental Agreement on the Environment, 1992)

"precautionary principle" means where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

- (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment; and
- (ii) an assessment of the risk-weighted consequences of various options.

### **Shack**

*State Coastal Policy*

A "shack" is a dwelling used for recreational and other purposes on a temporary occupancy basis at intermittent periods throughout the year.

#### **State Waters**

Under the *State Coastal Policy Validation Act 2003*, a reference to "State waters" has the same meaning as in the *Living Marine Resources Management Act 1995*.

#### **Use**

(Land Use Planning and Approvals Act 1993)

"use" in relation to land, includes use or proposed use for the purpose for which the land has been, is being or may be developed.

#### **Public land**

"public land" means but shall not be limited to public land as defined in the Public Land Administration and Forests) Act 1991.

#### **Planning controls**

"planning controls" means a planning scheme or interim order under the Land Use Planning and Approvals Act 1993, a management plan prepared under the Forestry Act 1920, the National Parks and Wildlife Act 1970, or the Living Marine Resources Management Act 1995, a marine farming development plan under the Marine Farming Planning Act 1995, or a plan of management prepared for an area reserved under the Crown Lands Act 1976.

## OBJECTIVES

(Schedule 1, State Policies and Projects Act 1993)

### **Sustainable Development Objectives of the Resource Management and Planning System, Tasmania:**

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

The Sustainable Development Objectives are central to the Policy's intent and all other provisions are based on these objectives either explicitly or implicitly.

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## PRINCIPLES

The purpose of these Policy principles is to guide the outcomes of the Tasmanian State Coastal Policy. No one principle should be read in isolation from the others to imply a particular action or consequence.

The principles are not listed in priority order.

Three main principles guide Tasmania's State Coastal Policy:

**Natural and cultural values of the coast shall be protected.**

**The coast shall be used and developed in a sustainable manner.**

**Integrated management and protection of the coastal zone is a shared responsibility.**

Each of these principles are based on the understanding of a variety of factors.

### **Natural and cultural values of the coast shall be protected**

This principle recognises:

- that Tasmania comprises a number of islands and has more coastline per unit/area than any other State in Australia;
- that the natural character of the coastal zone is of special cultural value to Tasmanians and to visitors from elsewhere;
- the importance of the coastal zone to Aboriginal people, in particular traditional use and Aboriginal culture;
- the dynamic, complex and interconnected nature of biological and physical processes in the coastal zone (terrestrial and marine);
- the susceptibility of the coast to the effects of natural events, including sea-level rise;
- the importance of good water quality to Tasmania's marine ecosystems;
- the importance of maintaining representative or significant natural ecosystems and sites of biological importance, and the biodiversity of Tasmania's indigenous coastal flora and fauna; and

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- that protection of coastal sites and features of cultural and historic value is of State and regional significance.

### **The coast shall be used and developed in a sustainable manner**

This principle recognises:

- that Tasmania's coast is a major economic asset, which contains the State's major concentrations of population and industry;
- that some activities are dependent on or gain an advantage from a coastal location;
- the economic and social values of sea ports and airports, mineral and forest resources, agriculture, marine farming and fisheries to Tasmania, and the legitimate aspirations of individuals and communities for allocation of space and resources in the coastal zone for these activities;
- the importance of protecting valuable fish nursery habitat for future fishing activities;
- the importance of good water quality to Tasmania's marine-based food industries;
- the economic and social values of tourism and recreation in the coastal zone;
- that the availability of the coastal zone for some activities, uses and development will be limited by the ability of natural and physical resources to meet the foreseeable needs of future generations and by the need to sustain the life-supporting capacity of air, water, soil and ecosystems;
- the importance of public access to and along the coast consistent with protection of natural coastal values, systems and processes; and
- that the coastal environment is being affected by activities, uses and development occurring outside the coastal zone.

### **Integrated management and protection of the coastal zone is a shared responsibility**

This principle recognises:

- that it is the duty of all government agencies which manage part of the coastal zone to further the sustainable development objectives of the resource management and planning system of Tasmania;
- the need for integrated, coordinated and cooperative management of the coast (marine and terrestrial systems), which is effective across the whole of government and that it covers many disciplines;

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- that management responsibility for the coast is shared between:
  - communities, especially those who gain directly by the use and development of coastal resources and those who have traditionally used them;
  - Local Government
  - State Government
  - Commonwealth Government;
- the importance of generating and sharing knowledge and information about coastal resources and processes;
- that governments at all levels acknowledge that there are responsibilities created by a number of international conventions and agreements relating to the coastal zone;
- that the State Government has primary management responsibility for the Tasmanian coastal zone;
- that planning authorities have a key role in sustainable development of the coastal zone under the Land Use Planning and Approvals Act 1993 through planning schemes and decisions which are guided by the State Coastal Policy;
- that where the scale of effects of use or development is of State significance, the project may become a Project of State Significance under the State Policies and Projects Act 1993; and
- that communities have an important role to play in coastal management through:
  - participation in decision making
  - input to policies and plans
  - direct management.

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## OUTCOMES

### 1. Protection of Natural and Cultural Values of the Coastal Zone

#### 1.1. *NATURAL RESOURCES AND ECOSYSTEMS*

- 1.1.1 The coastal zone will be managed to ensure sustainability of major ecosystems and natural processes.
- 1.1.2 The coastal zone will be managed to protect ecological, geomorphological and geological coastal features and aquatic environments of conservation value.
- 1.1.3 The coastal zone will be managed to conserve the diversity of all native flora and fauna and their habitats, including seagrass and seaweed beds, spawning and breeding areas. Appropriate conservation measures will be adopted for the protection of migratory species and the protection and recovery of rare, vulnerable and endangered species in accordance with this Policy and other relevant Acts and policies.
- 1.1.4 Exotic weeds within the coastal zone will be managed and controlled, where possible, and the use of native flora encouraged.
- 1.1.5 Water quality in the coastal zone will be improved, protected and enhanced to maintain coastal and marine ecosystems, and to support other values and uses, such as contact recreation, fishing and aquaculture in designated areas.
- 1.1.6 Appropriate monitoring programs and environmental studies will be conducted to improve knowledge, ensure guidelines and standards are met, deal with contaminants or introduced species and generally ensure sustainability of coastal ecosystems and processes and ensure that human health is not threatened.
- 1.1.7 Representative ecosystems and areas of special conservation value or special aesthetic quality will be identified and protected as appropriate.
- 1.1.8 An effective system of marine reserves will continue to be established to protect marine ecosystems and fish nursery areas.
- 1.1.9 Important coastal wetlands will be identified, protected, repaired and managed so that their full potential for nature conservation and public benefit is realised. Some wetlands will be managed for multiple use, such as recreation and aquaculture, provided conservation values are not compromised.
- 1.1.10 The design and siting of buildings, engineering works and other infrastructure, including access routes in the coastal zone, will be subject to planning controls to ensure compatibility with natural landscapes.

- 1.1.11. Fire management, for whatever purpose, shall be carried out in a manner which will maintain ecological processes, geomorphological processes and genetic diversity of the natural resources located within the coastal zone.

## *1.2. CULTURAL AND HISTORIC RESOURCES*

- 1.2.1. Areas within which Aboriginal sites and relics are identified will be legally protected and conserved where appropriate.
- 1.2.2. All Aboriginal sites and relics in the coastal zone are protected and will be identified and managed in consultation with Tasmanian Aboriginal people in accordance with relevant State and Commonwealth legislation.

## *1.3. CULTURAL HERITAGE*

- 1.3.1. Places and items of cultural heritage will be identified, legally protected, managed and conserved where appropriate.

## *1.4. COASTAL HAZARDS*

- 1.4.1. Areas subject to significant risk from natural coastal processes and hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility and sea-level rise will be identified and managed to minimise the need for engineering or remediation works to protect land, property and human life.
- 1.4.2. Development on actively mobile landforms such as frontal dunes will not be permitted except for works consistent with Outcome 1.4.1.
- 1.4.3. Policies will be developed to respond to the potential effects of climate change (including sea-level rise) on use and development in the coastal zone

# **2. Sustainable Development of Coastal Areas and Resources**

## *2.1. COASTAL USES AND DEVELOPMENT*

- 2.1.1. The coastal zone shall be used and developed in a sustainable manner subject to the objectives, principles and outcomes of this Policy. It is acknowledged that there are conservation reserves and other areas within the coastal zone which will not be available for development.
- 2.1.2. Development proposals will be subject to environmental impact assessment as and where required by State legislation including the Environmental Management and Pollution Control Act 1994.
- 2.1.3. Siting, design, construction and maintenance of buildings, engineering works and other infrastructure, including access routes within the coastal zone will be sensitive to the natural and aesthetic qualities of the coastal environment.

- 2.1.4. Competing demands for use and development in the coastal zone will be resolved by relevant statutory bodies and processes, in particular the Land Use Planning Review Panel, the Resource Management and Planning Appeal Tribunal and the Marine Farming Planning Review Panel. Planning schemes, marine farming development plans and other statutory plans will provide guidance for resource allocation and development in accordance with this Policy.
- 2.1.5. The precautionary principle will be applied to development which may pose serious or irreversible environmental damage to ensure that environmental degradation can be avoided, remedied or mitigated. Development proposals shall include strategies to avoid or mitigate potential adverse environmental effects.
- 2.1.6. In determining decisions on use and development in the coastal zone, priority will be given to those which are dependent on a coastal location for spatial, social, economic, cultural or environmental reasons.
- 2.1.7. New industrial developments will be encouraged to locate in specified industrial zones.
- 2.1.8. Extraction of construction materials, mineral, oil, and natural gas deposits in the coastal zone will be allowed provided access to areas is allowed under the provisions of the Mining Act 1929.
- 2.1.9. Exploration will be conducted in accordance with environmental standards under relevant legislation and the Mineral Exploration Code of Practice. Adequate rehabilitation shall be carried out.
- 2.1.10. Extraction will be subject to the Quarry Code of Practice and environmental assessment as required by State legislation including the Environmental Management and Pollution Control Act 1994. Adequate rehabilitation shall be carried out.
- 2.1.11. Extraction of sand will be provided for by zoning of appropriate areas in planning schemes
- 2.1.12. Timber harvesting and reforestation in the coastal zone will be conducted in accordance with the Forest Practices Code and have regard to this Policy.
- 2.1.13. Whole farm planning and sustainable farming activities will be encouraged on agricultural land in the coastal zone and in coastal catchments in order to minimise problems such as erosion, sedimentation and pollution of coastal waters including surface and ground waters.
- 2.1.14. Management arrangements for commercial and recreational fisheries will be further developed in accordance with the objectives, principles and outcomes of this Policy, through a management planning framework designed to maintain sustainability and diversity of fish resources and their habitats and

promote economic efficiency under the Living Marine Resources Management Act 1995.

- 2.1.15. Harvesting of marine plants shall be conducted in a sustainable manner in accordance with relevant State legislation and this Policy.
- 2.1.16. Water quality in the coastal zone and in ground water aquifers will accord with the requirements and guidelines established by the Environmental Management and Pollution Control Act 1994 or the Environment Protection (Sea Dumping) Act 1987 (as appropriate) and any other relevant State and Commonwealth Policies and statutes.
- 2.1.17. Waste discharge into the coastal zone, including offshore waters, or likely to affect groundwater aquifers, must comply with provisions of the Environmental Management and Pollution Control Act 1994 or the Environment Protection (Sea Dumping) Act 1987 (as appropriate) and any relevant State and Commonwealth Policies.
- 2.1.18. Where oil pollution occurs in the coastal zone, and, or, offshore areas, the National Plan to combat Pollution of the Sea by Oil, Tasmanian Supplement, will apply. Efforts to prevent or mitigate maritime accidents and pollution shall be based upon relevant ANZECC and other guidelines.
- 2.1.19. Every effort will be made to prevent the introduction of foreign marine organisms and species. Relevant Commonwealth provisions for quarantine and ballast water or other ship discharges shall apply.

## 2.2. *MARINE FARMING*

- 2.2.1. Marine farming will be planned, developed and conducted in the coastal zone having regard to sustainable development considerations and in accordance with the Marine Farming Planning Act 1995 and other relevant terrestrial and marine resource management and planning legislation and consistent with this Policy.
- 2.2.2. Marine Farming Development Plans will be prepared, approved and gazetted under the Marine Farming Planning Act 1995 and consistent with the objectives, principles and outcomes of this Policy.

## 2.3. *TOURISM*

- 2.3.1. Tourism use and development in the coastal zone, including visitor accommodation and other facilities, will be directed to suitable locations based on the objectives, principles and outcomes of this Policy and subject to planning controls.
- 2.3.2. Tourism development proposals in the coastal zone will be subject to environmental impact assessment as required by State legislation including a

water safety assessment to indicate the level and type of lifesaving facilities and personnel required to protect people.

- 2.3.3. Opportunities for tourism development will be identified wherever strategic planning occurs for the coastal zone or any part of it.
- 2.3.4. Tourism development will be located where there is environmental capacity and where it does not significantly conflict with the natural and aesthetic qualities of the coastal zone.

#### 2.4. *URBAN AND RESIDENTIAL DEVELOPMENT*

- 2.4.1. Care will be taken to minimise, or where possible totally avoid, any impact on environmentally sensitive areas from the expansion of urban and residential areas, including the provision of infrastructure for urban and residential areas.
- 2.4.2. Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.
- 2.4.3. Any urban and residential development in the coastal zone, future and existing, will be identified through designation of areas in planning schemes consistent with the objectives, principles and outcomes of this Policy.

#### 2.5. *TRANSPORT*

- 2.5.1. All transport infrastructure and associated services will be planned, developed and maintained consistent with the State Coastal Policy.
- 2.5.2. Significant scenic coastal transport routes and associated facilities will be identified, planned and managed to ensure sustainable benefits for tourism and recreation value and amenity.
- 2.5.3. New coast hugging roads will be avoided where possible with vehicular access to the coast being provided by spur roads planned, developed and maintained consistent with the State Coastal Policy.
- 2.5.4. Marine structures will be designed, sited, constructed and managed in accordance with best practice environmental management and subject to environmental impact assessment having regard to statutory requirements.
- 2.5.5. The multiple use of port areas will be encouraged but priority will be given to efficient port operations and safety requirements subject to cultural, natural and aesthetic values not being compromised.

#### 2.6. *PUBLIC ACCESS AND SAFETY*



- 2.6.1. The public's common right of access to and along the coast, from both land and water, will be maintained and enhanced where it does not conflict with the protection of natural and cultural coastal values, health and safety and security requirements.
- 2.6.2. Public access to and along the coast will be directed to identified access points. Uncontrolled access which has the potential to cause significant damage to the fragile coastal environment and is inconsistent with this Policy will be prevented.
- 2.6.3. Agreements between landowners, landholders and councils or State Government to grant public access to the coast, and Aborigines access to Aboriginal sites and relics in the coastal zone over private and public land will be encouraged and shall be considered when preparing plans or approving development proposals.
- 2.6.4. Public facilities such as life saving facilities and essential emergency services, parking facilities, toilet blocks, picnic sites, rubbish disposal containers, boat ramps and jetties will be provided at appropriate locations consistent with the objectives, principles and outcomes of this Policy to facilitate access to and enjoyment of the recreational amenity of the coast and estuarine foreshores.
- 2.6.5. Councils will ensure that there will be a coastal safety assessment for any new coastal development likely to attract people to the coast to indicate the level and type of lifesaving facilities and personnel required.
- 2.6.6. Developer contributions will be encouraged in respect to the costs of providing public access and safety services for the community.

## 2.7. *PUBLIC LAND*

- 2.7.1. All future use and development of public land in the coastal zone will be consistent with this Policy, and subject to planning controls unless otherwise provided by statute.
- 2.7.2. Future development of camping areas on public land in the coastal zone will only be permitted where such development does not conflict with the protection of natural features and cultural values, but not within 30 metres above high water mark.
- 2.7.3. Expansion of shack sites on public land in the coastal zone will not be permitted.
- 2.7.4. Shacks currently located on public land in the coastal zone will continue to be subject to review under the Shack Site Categorisation Program of the Tasmanian Property Services Group.

## 2.8. *RECREATION*

- 2.8.1. Recreational use of the coastal zone will be encouraged where activities can be conducted in a safe and environmentally responsible manner.
- 2.8.2. Suitable recreation opportunities will be identified through strategic planning and may be provided in appropriate locations where they do not adversely affect sensitive coastal ecosystems and landforms or in designated areas where such effects can be remedied or mitigated.
- 2.8.3. Special recreational vehicle areas may be established as an environmental protection measure and as a means of limiting unauthorised motor vehicle activity in environmentally sensitive areas.

### **3. Shared Responsibility for Integrated Management of Coastal Areas and Resources**

#### *3.1. SHARED RESPONSIBILITY FOR MANAGEMENT*

- 3.1.1. Provision will be made for consistency in policy interpretation and implementation by all spheres of government throughout Tasmania, including consistency in changes to planning schemes affected by this Policy.
- 3.1.2. Coastal management should be considered as an integral component of regional planning undertaken in the State.
- 3.1.3. Provision shall be made for effective coordination of the activities of governments, industry and local communities in interpreting and implementing the State Coastal Policy.
- 3.1.4. Provision for effective and greater involvement of Aboriginal people in areas of particular interest to Aboriginal people will be made as part of community participation processes.
- 3.1.5. Planning authorities, the Land Use Planning Review Panel and the Marine Farming Planning Review Panel will use their best endeavours to function in a coordinated and collaborative manner to effectively and efficiently implement the State Coastal Policy.
- 3.1.6. Councils will prepare strategic and operational plans for their municipal areas having regard to the principles, objectives and outcomes of this Policy and will be encouraged to function in a coordinated and collaborative manner with adjacent councils and other planning authorities
- 3.1.7. State government agencies and planning authorities will participate with other State, Territory and Commonwealth agencies in relevant forums to foster a national approach to coastal zone management.

#### *3.2. INSTITUTIONAL ARRANGEMENTS*

- 3.2.1. A State Coastal Advisory Committee comprising representatives of State and local government and the community will be established to facilitate implementation, coordination, consistent interpretation, and evaluation of this Policy.
- 3.2.2. The State Coastal Advisory Committee will be supported by the Coastal and Marine Program in the Department of Environment and Land Management.
- 3.2.3. The Tasmanian Government will provide funding and other resources considered necessary for the effective implementation of this Policy.
- 3.2.4. A high level of coastal expertise will progressively be developed in agencies responsible for implementation of the State Coastal Policy.
- 3.2.5. The effectiveness of institutional arrangements will be reviewed three years from the date of implementation of the State Coastal Policy.

### *3.3 PUBLIC PARTICIPATION AND INFORMATION*

- 3.3.1. Public awareness of coastal issues and community participation in managing the coastal zone will be encouraged and facilitated, including networking between community groups working in the coastal zone.
- 3.3.2. Advice and information will be provided to coastal community groups through councils and State Government agencies responsible for coastal planning and management on the implementation and interpretation of the State Coastal Policy, on government assistance programs or other matters relevant to the coastal zone.
- 3.3.3. Community projects and action which benefit the coastal zone and are consistent with this Policy will be encouraged and assisted through the Coastal and Marine Program of the Department of Environment and Land Management or other relevant government programs.
- 3.3.4. Communities will be given the opportunity to make submissions to all plans or policies affecting the coastal zone. Consultative meetings with relevant and interested community groups and individuals in local or regional areas will be held in conjunction with the release of policies and plans wherever possible.
- 3.3.5. Research into coastal processes and matters related to coastal zone planning and management by government or research institutions will be encouraged and assisted where possible.

## **4. Implementation, Evaluation and Review**

- 4.1. Implementation of the State Coastal Policy will be coordinated through the State Coastal Advisory Committee.

- 4.2. The main vehicles for implementation of this Policy will be land use planning controls, marine farming development plans, and local council strategic and operational plans.
- 4.3. To ensure integration between planning schemes and other plans affecting the coastal zone, all planning authorities (including local councils, Marine Boards, the Secretary of the Department of Primary Industry and Fisheries and other agencies developing plans which cover all or any part of the coastal zone) are required, as appropriate, to consult with the Marine Resources Division (Department of Primary Industry and Fisheries) the Marine Board responsible for the area subject to the plan and the Department of Environment and Land Management.
- 4.4. The effectiveness of the State Coastal Policy will be monitored and assessed throughout its term. A report on the coastal zone will be included in all State of the Environment Reports which the Sustainable Development Advisory Council submits to the Minister pursuant to Section 29 of the State Policies and Projects Act 1993.
- 4.5. To ensure that policies and plans for the coast are responsive to changing needs and circumstances the Minister responsible for the administration of the State Policies and Projects Act 1993 shall review the State Coastal Policy at the end of three (3) years after this Policy has come into operation and thereafter no less than every five (5) years.

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*State Coastal Policy*

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## **Draft Amendment 01-25 to State Coastal Policy - Development of Actively Mobile Landforms**

Background Report provided to the Tasmanian Planning Commission

State Planning Office  
Department of State Growth



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Background Report – Draft Amendment to State Coastal Policy, Development of Actively Mobile Landforms

1

## 1.0 Glossary

The following acronyms and abbreviations are used in this Report:

RMPS	Resource Management and Planning System
SCP	State Coastal Policy 1996
LUPAA	<i>Land Use Planning and Approvals Act 1993</i>
SPO	State Planning Office
TasCAT	Tasmanian Civil and Administrative Tribunal
SPPA	<i>State Policies and Projects Act 1993</i>
Commission	Tasmanian Planning Commission
SoE Report	State of the Environment Report
SPPs	State Planning Provisions
TPS	Tasmanian Planning Scheme
LIST	Land Information Systems Tasmania

## 2.0 Introduction

Tasmanian Sustainable Development Policies (known as State Policies) are statutory policies made under the *State Policies and Projects Act 1993* (SPPA) that sit at the top of Tasmania's Resource Management and Planning System (RMPS). The RMPS comprises a suite of legislation which is linked by a common set of objectives. It provides for range of statutory and non-statutory structures, processes and systems including regulation and environmental protection associated with land use planning, fishing, forestry, mining, marine farming and reserve management.

The [State Coastal Policy 1996](#) (SCP) is a critically important part of the RMPS and has served us well in protecting the coast and providing for sustainable development.

In 2024, the Government became aware of an issue with the interpretation and application of Outcome 1.4.2 of the SCP. This Outcome prohibits development on 'actively mobile landforms' unless it is for a purpose provided for under Outcome 1.4.1. The issues with the SCP were identified following a review of a decision by the Tasmanian Civil and Administrative Tribunal (TasCAT) to approve the Robbins Island windfarm. The review of the decision raised questions around the manner in which Outcome 1.4.2 of the SCP had been applied and prompted concerns that a number of existing developments on 'actively mobile landforms', approved over many years, may not have been subject to the appropriate level of scrutiny required of the SCP under the SPPA, and as a consequence could be vulnerable to legal challenge.



The Government's response to these issues were to prepare legislation to validate past planning permits issued under the *Land Use Planning and Approvals Act 1993* (LUPAA) that may offend Outcome 1.4.2 of the SCP, and to review the policy setting of Outcome 1.4.2.

Parliament passed the Validation (State Coastal Policy) Bill 2024 with it receiving Royal Assent on 13 December 2024. The legislation can be viewed [here](#)<sup>1</sup>. Further details regarding the Bill, background information and recordings of Parliamentary debate in Hansard can be found on the [Parliament website](#)<sup>2</sup>

The State Planning Office (SPO) published a [Position Paper](#)<sup>3</sup> titled 'Review of the State Coastal Policy – Development of Actively Mobile Landforms (the Position Paper)'. The Position Paper explored issues relating to Outcome 1.4.2 and presented a draft amendment to the SCP to address these issues. The Position Paper was on consultation for 6 weeks. A copy of the submissions received and a Report on Consultation – Review of State Coastal Policy – Development of Actively Mobile Landforms (Report on Consultation) can be found on the [SPO website](#)<sup>4</sup>.

The Report on Consultation discusses the issues raised in submissions and concludes that there are sufficient issues with the application and interpretation of Outcome 1.4.2 to warrant an amendment to the SCP.

The intention of this Report is to provide background context and rationale for the draft amendment to the SCP to assist the Tasmanian Planning Commission (the Commission) in the provision of its statutory advice to the Minister and to assist representors making submissions during the exhibition of the draft amendment.

A copy of the Amendment to the SCP (or the "referred amendment under the SPPA) can be found in Attachment 1.

## 3.0 Summary of Issues

### 3.1 Policy setting of Outcome 1.4.2

Outcome 1.4.2 of the SCP provides that:

*Development on actively mobile landforms such as frontal dunes will not be permitted except for works consistent with Outcome 1.4.1.*

Outcome 1.4.1 states that:

*Areas subject to significant risk from natural coastal processes and hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility and sea level rise will*

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<sup>1</sup> <https://www.legislation.tas.gov.au/view/html/inforce/current/act-2024-026>

<sup>2</sup> <https://www.parliament.tas.gov.au/bills/bills2024/validation-state-coastal-policy-bill-2024-37-of-2024>

<sup>3</sup> [https://www.stateplanning.tas.gov.au/\\_\\_data/assets/pdf\\_file/0006/543534/Position-Paper-Review-of-the-State-Coastal-Policy-Development-of-Actively-Mobile-Landforms-September-2024.pdf](https://www.stateplanning.tas.gov.au/__data/assets/pdf_file/0006/543534/Position-Paper-Review-of-the-State-Coastal-Policy-Development-of-Actively-Mobile-Landforms-September-2024.pdf)

<sup>4</sup> <https://www.stateplanning.tas.gov.au/have-your-say/consultations/regional-land-use-strategy-reviews/amendment-to-the-state-coastal-policy-1996>

*be identified and managed to minimise the need for engineering or remediation works to protect land, property and human life.*

The effect of Outcome 1.4.2 is that it is a self-executing prohibition of development on 'actively mobile landforms' except for engineering or remediation works to protection of land, property or human life.

The definition of 'development' is consistent across the RMPS and includes:

- construction, alteration or decoration of a building;
- demolition or removal of a building, structures or works;
- carrying out works;
- subdivision of land; and
- signs.

Additionally, 'works' is defined as "*includes any change to the natural or existing condition or topography of land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil, but does not include forest practices...*"

This means that the application of Outcome 1.4.2, consistent with these definitions, would result in any subdivision, structure, pathway, fence, jetty, sign or even the lopping of trees on an 'actively mobile landform' to be contrary to the SCP. Furthermore, even the removal of buildings, structures or works to seemingly comply with Outcome 1.4.2 is considered 'development' and therefore inconsistent with SCP.

State Policies bind the Crown and a council, which means they must be considered by all Government entities when exercising decision-making powers and taking actions. Section 14 of the SPPA provides sanctions for any person who contravenes or fails to comply with the provisions of a State Policy. The SPPA contains an explicit provision relating to the Tasmanian planning system. It requires that where there is an inconsistency between a State Policy and the provision of a planning scheme, the provision of the planning scheme is void to the extent of the inconsistency.

This means that any action, such as maintaining a path, removal of weeds or the construction of a fence on 'actively mobile land', that would ordinarily be exempt under the planning system, is technically in contravention of Outcome 1.4.2 of the SCP and the person undertaking those works can technically be convicted of an offence.

The Government considers that the prohibition of 'development' and 'works' on 'actively mobile landforms' is too restrictive given the scope of activity within the definitions of 'development' and 'works' and the operation of State Policies in accordance with the SPPA.

The draft amendment proposes to remove the prohibition of development in Outcome 1.4.2 and introduce a performance-based policy response that allows certain use and development to be considered, such as a sand ladder to protect vulnerable coastal ecosystems, provided it can demonstrate compliance with certain criteria.

### **3.2 Establishing a clear intent for Outcome 1.4.2**



While the original intention of prohibiting development on 'actively mobile landforms' is unclear, a review of the structure of the SCP provides insights.

There are 3 principles to guide SCP Outcomes, which are:

- 1) *Natural and cultural values of the coast shall be protected.*
- 2) *The coast shall be used and developed in a sustainable manner.*
- 3) *Integrated management and protection of the coastal zone is a shared responsibility.*

Each of the policy statements, referred to as 'Outcomes' in the SCP, falls under one of these guiding principles. Outcome 1.4.2 sits under the first principle. Each principle has a set of statements that help to contextualise the principle and subsequent Outcomes. Of relevance to Outcome 1.4.2, the first principle recognises:

- *That the natural character of the coast is of special cultural value to Tasmanians and visitors;*
- *The dynamic, complex and interconnected nature of biological and physical processes on the coast;*
- *The susceptibility of the coast to the effects of natural events, including sea-level rise;*

Outcome 1.4.2 sits under the subheading 'Coastal Hazards'. This implies that the intent of the prohibition of development is in response to avoiding 'actively mobile landforms' because of the risk the coastal hazard exposes to development.

In addition, because the Outcome sits under the principle of 'protecting natural coastal values', the intent of prohibiting development is also considered to be in response to protecting the natural coastal processes associated with 'actively mobile landforms'.

The amendment to SCP has been drafted on the basis that the intention of Outcome 1.4.2 is to both limit development on 'actively mobile landforms' to protect coastal values and the naturally occurring process that created those landforms and to protect development from the hazards associated with those processes and landforms.

To achieve these intents, the draft amendment introduces criteria that allows certain use and development to occur where it can demonstrate that risks to development and the impact on the environment, are within an acceptable range.

This approach is adopted in other SCP Outcomes, as provided below.

Outcome 2.5.4 states:

*Marine structures will be designed, sited, constructed and managed in accordance with best practice environmental management and subject to environmental impact assessment having regard to statutory requirements.*

Similarly, Outcome 2.3.2 states:



*Tourism development proposals in the coastal zone will be subject to environmental impact assessment as required by State legislation including a water safety assessment to indicate the level and type of lifesaving facilities and personnel required to protect people.*

The SCP sets out particular principles for a variety of uses including community infrastructure and recreational assets such as wharfs, jetties and boat ramps as well as the requirements to provide for safe use and access to the coast.

It follows that some use and development requires a coastal location and others may be considered a community benefit either in directly providing access and recreational opportunities or in allowing access between the sea and land for required infrastructure, transport and communications.

The need or benefit for the proposed use and development to be located on “actively mobile landforms” should also be one of the considerations in an assessment to determine the suitability of a proposal. This approach is generally consistent with Outcome 2.1.6 which states:

*In determining decisions on use and development in the coastal zone, priority will be given to those which are dependent on a coastal location for spatial, social, economic, cultural or environmental reasons.*

The prohibition of development in Outcome 1.4.2 appears to be at odds with other Principles and Outcomes of the SCP that are predicated on providing the necessary considerations to demonstrate how to achieve sustainable development of the coast.

The amendment to Outcome 1.4.2 removes the prohibition and allows the consideration of use and development that can demonstrate that the risk to the use and development and its impact on natural values can be managed and that there is a need or benefit for being in the particular location.

### **3.3 Meaning of ‘Actively Mobile Landforms’**

The SCP does not define ‘actively mobile landforms’ and there is no single interpretation as to what constitutes one. It has been contended that that all landforms are actively mobile over geological timeframes. Other opinions range from all landforms where the active mobility can be observed such as the tidal deposition or erosion of sand while others suggest including land that may be at risk of being mobile (eg landslip prone areas).

Ambiguity regarding the interpretation of ‘actively mobile landforms’ casts doubt over the application of Outcome 1.4.2. This has been the subject of criticism and caused frustration in the application of the policy. The issue has been identified and discussed at length by a leading Tasmanian coastal geomorphologist in a paper that can be accessed here: [The problem of the use of ambiguous terms in Tasmanian coastal planning policy document for defining appropriate coastal development zones](#)

In response to undefined terminology being used to spatially apply Outcome 1.4.2, the amendment proposes to adopt the existing range of coastal processes and hazards listed

in Outcome 1.4.1 as being examples that may contribute to a landform being 'actively mobile'.

## 4.0 Details of the draft amendment to the SCP

Attachment 1 sets out the draft amendment in full. The amendment comprises three parts that are discussed in further detail below.

### 4.1 amendment to Outcome 1.4.1

The draft amendment proposes the following modifications to Outcome 1.4.1:

*Land Areas subject to significant risk from natural coastal processes or hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility or sea level rise will be identified and managed to minimise the need for ~~engineering or remediation~~ works to protect land, property, coastal values ~~and or~~ human life.*

Because Outcome 1.4.2 is linked by reference to Outcome 1.4.1, the draft amendment proposes to amend 1.4.1 to help establish consistency and clarification of the policy setting. The amendment introduces the need for works to protect 'coastal values' are given the same weight as work to protect land, property or human life.

This part of the amendment provides additional protection to identified coastal values and furthers consistency with the first principle of the SCP.

It is also proposed to remove reference to 'engineering or remediation' as it is considered that any 'works' to protect land, property, coastal values or human life should be allowed.

Outcome 1.4.1 has also been amended to delete reference to 'Areas' and replace with 'Land' consistent with terminology used elsewhere in the RMPS. It is also proposed to delete the 'and' and replace with an 'or' where it refers to the 'need for works to protect land, property, coastal values or human life'. This is to correct a drafting anomaly as the policy should not be subject to satisfying all matters listed.

### 4.2 amendment to Outcome 1.4.2

Existing Outcome 1.4.2 states that:

*Development on actively mobile landforms such as frontal dunes will not be permitted except for work consistent with Outcome 1.4.1.*

The amendment replaces Outcome 1.4.2 with the following:

*Use and development on land subject to significant impacts from natural coastal processes or hazards, such as those listed in Outcome 1.4.1, will only be allowed for works necessary to protect land, property, coastal values and human life, unless it can be demonstrated that that the use and development:*



- a) *can achieve and maintain a tolerable risk for the intended life of the use and development;*
- b) *benefits the public or is dependent on the particular location; and*
- c) *considers the impacts on coastal values and natural processes and those impacts are managed in accordance with the objectives, principles and outcomes of this Policy.*

#### **Clarification of the relationship between Outcomes 1.4.1 and 1.4.2**

The draft amendment retains the intent of allowing works consistent with Outcome 1.4.1 but explicitly restates it in clearer terms to avoid a discrepancy in the interpretation of Outcome 1.4.1. Outcome 1.4.1 refers to specified landforms being 'identified and managed to minimise the need for engineering or remediation works to protect land, property...' (emphasis added) which does not necessarily translate to the undertaking of the 'engineering or remediation' work to protect land, property etc.

Allowing use and development to occur on 'actively mobile landforms' that is for the purpose of 'protecting land, property, coastal values or human life', should not be limited to 'engineering or remedial' work. Any works to achieve that purpose of protecting land, property, coastal values or human life is acceptable. Amended Outcome 1.4.2 clearly establishes that where land is under significant impact from natural coastal processes or hazards, it is acceptable to undertake works to protect land, property, coastal values and human life.

#### **Terminology**

The draft amendment proposes to use terminology that is consistent with the SCP or other instruments in the RMPS by referring to 'use and development' rather than just 'development'.

#### **Actively Mobile Landform**

The number of different interpretations of 'actively mobile landforms' that were provided in submissions on the Position Paper demonstrated the collective ambiguity regarding the term and the consequential impacts that that has had on the application of Outcome 1.4.2.

Generally, it has been accepted that an 'actively mobile landform' relates to any type of landform that is subject to movement or a change in its morphology caused by erosion, deposition, accretion or subsidence.

The Position Paper explored the possibility of using the 'present dune mobility' layer of the Land Information Systems Tasmania (the LIST) as a suitable reference point for applying Outcome 1.4.2. Concerns were raised that the layer is incomplete and is indicative only. In addition, the layer only maps mobile dunes and not other landforms that might be considered 'actively mobile landforms'.

There were suggestions that the State should prepare a comprehensive map of 'actively mobile landforms'. The State has undertaken mapping of areas subject to risk of coastal

erosion and inundation, flooding and landslip which are incorporated in the Tasmanian Planning Scheme (TPS). Any mapping undertaken by the State to identify other 'actively mobile landforms' still needs to clearly define what parameters are to be included in informing the layer. Given all landforms move over time, determining the rate and scale at which that movement impacts use and development depends on the nature of that use and development.

The list of natural coastal processes or hazards listed in Outcome 1.4.1 is considered to be an accurate representation of what might cause land to become actively mobile. Given the list of processes already applies in the SCP, it is proposed that the amendment adopts the same list for the purpose of applying Outcome 1.4.2. The list provides greater clarity regarding the types of processes and hazards that cause 'actively mobile landforms', and, when applied in the context of modified Outcome 1.4.2 in its entirety, it provides for a performance-based consideration of the characteristics of the landform in conjunction with the impacts of the use and development.

### **Tolerable Risk**

The first performance-based criteria is in response to the level of risk use and development is exposed to as a result of being located on an 'actively mobile landform'. It allows for consideration of use and development where the risk of harm caused by hazards associated with 'actively mobile landforms' can be managed to within a tolerable range.

Not all use and development will be exposed to the same level of risk from being located on 'actively mobile landforms'. There are two factors that influence the risk, those being the rate and scale of the mobility and the nature of the use and development. For example, the risk is low for development comprising a subdivision on land that is determined to be actively mobile however, that risk might increase if the land is being developed as a boat shed and would therefore require treatment of the risk to achieve a 'tolerable risk' level.

"Tolerable risk" is the risk threshold that is adopted in the TPS hazards codes which, from a land use planning perspective, is consistent with other State Government initiatives such as the Tasmanian Disaster Resilience Strategy.

The concept of 'tolerable risk', including an established method of determining the threshold, is described in the Practice Note Guidelines for Landslide Risk Management 2007(Australian Geomechanics Vol 42 No.1 March 2007) which can be accessed from this [webpage](https://landsliderisk.org/resources/guidelines/)<sup>5</sup>.

While the methodology appears very technical, it is only required to be applied where there is a 'significant impact' from natural coastal processes or hazards which may expose the development, depending on what that development is, to risks.

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<sup>5</sup> <https://landsliderisk.org/resources/guidelines/>



Much of this work has already been done through hazard mapping and existing regulatory provisions that apply through the hazard codes of the TPS.

#### **Benefit to Public or Dependency on Location**

The second criterium relates to the use and development having either a public benefit or being dependent on the particular location. Use and development that has a public benefit might be, for example, development associated with providing public access to the coastline. Other types of use and development, such as boat launching facilities, are dependent on a tidal coastal location and would therefore satisfy this test.

The consideration of these matters allows use and development to be rejected if the proposal cannot demonstrate that it is reliant on the coastal location or does not provide a public benefit, consistent with the operation of other Outcomes in the SCP.

There is no prescription given as to how to determine what constitutes a public benefit or demonstrating a dependency on the particular location. The test is that the matters have been 'appropriately considered', meaning that it is up to the decision maker to weigh up the issues in the context of the proposal and the location.

#### **Coastal Values and Natural Processes**

To address the impacts of the removal of the prohibition of development on 'actively mobile landforms', the draft amendment includes the requirement to demonstrate that the impacts of the use and development on coastal values and natural processes are managed in accordance with the SCP.

The explicit requirement to be in accordance with the 'objectives, principles and outcomes of this Policy' provides certainty and a common approach around the expectations of the management of those impacted coastal values and natural processes.

### **4.3 Inclusion of definition for 'tolerable risk'**

The draft amendment proposed to introduce the following definition of 'tolerable risk' into the Definitions section of the SCP.

#### ***Tolerable risk***

*"tolerable risk" means the lowest level of likely risk from the relevant hazard:*

- a) to secure the benefits of a use or development in a relevant hazard area; and*
- b) which can be managed through:*
  - i. routine regulatory measures; or*
  - ii. by specific hazard management measures for the intended life of each use or development.*

The definition of 'tolerable risk' is consistent across other planning instruments and is intended to be applied similarly.

This part of the amendment provides greater certainty and consistency and assists in the application of criteria a) of amended Outcome 1.4.2.

## 5.0 Process for amending a State Policy

Section 15A of the SPPA includes the provisions for amending a State Policy. The process involves a Ministerial direction to the Commission to determine whether the draft amendment is considered a significant change. If the Commission considers that the amendment is a significant change, the Minister directs the Commission to prepare a report which also triggers the Commission to exhibit the draft amendment.

During the exhibition, the Governor, in accordance with section 12 of the SPPA and on request from the Minister, may declare that the draft amendment is to be an Interim State Policy after being satisfied that it is necessary for the amended Policy to apply without delay. There is evidence that the current drafting of the SCP is ambiguous, creates perverse outcomes and is inconsistent with other Principles and Outcomes of the SCP and does not align with the evolution of performance-based planning controls for other natural vales and hazards as found in the TPS.

It is the intention of the Minister to make a request to the Governor to declare the draft amendment to the SCP to be an Interim State Policy.

A State Policy that comes into operation as an Interim State Policy ceases to operate:

- a) when the Governor gives notice in the Gazette of its termination;
- b) either House of Parliament passes a resolution disallowing it;
- c) is superseded by a State Policy made in accordance with section 11 of the SPP Act; or
- d) 12 months from the day it became operational.

Using section 12 of the SPPA would allow the amended provisions of the SCP to have a more immediate effect and be applicable while the Commission undertakes its assessment of the amendment.

Section 13 also enables the Commission to make amendments to a planning scheme to remove any inconsistency with a State Policy. The coming into effect of an amended SCP will inform any amendments that need to be made to the TPS.

## 6.0 Conclusion

Section 5 of the SPPA provides the requirements for making of State Policies, stating:

*A State Policy –*

- a) must seek to further the objectives set out in [Schedule 1](#) ; and*
- b) may be made only where there is, in the opinion of the Minister, a matter of State significance to be dealt with in the State Policy; and*
- c) must seek to ensure that a consistent and co-ordinated approach is maintained throughout the State with respect to the matters contained in the State Policy; and*
- d) must incorporate the minimum amount of regulation necessary to obtain its objectives.*

The SCP has already been determined to satisfy these requirements. The amendment removes a self-executing regulation that prohibits development on 'actively mobile landforms' bringing it into greater conformity with the Principles of the SCP. The prohibition is replaced with performance-based considerations of hazard risks and the impact on natural values, consistent with contemporary policy responses and approaches used in regulating use and development on land subject to natural hazards.

The amendment provides clarification on the types of processes and landforms that might contribute to land being considered 'actively mobile landforms' and therefore supports a more common interpretation and application of the policy.

The amendment has been subject to broad community consultation and has received technical input from local government, professional geomorphologists and the Department of Natural Resources and Environment. The SPO would like to thank all those who contributed to preparing the amendment.



# ATTACHMENT 1 – Referred Amendment

## Proposed amendment -

### **Amendment 01-25 to the State Coastal Policy 1996**

1. Delete Outcome 1.4.1 and replace with:

*Land subject to significant risk from natural coastal processes or hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility or sea level rise will be identified and managed to minimise the need for works to protect land, property, coastal values or human life.*

2. Delete Outcome 1.4.2 and replace with:

*Use and development on land subject to significant impacts from natural coastal processes or hazards, such as those listed in Outcome 1.4.1, will only be allowed for works necessary to protect land, property, coastal values and human life, unless it can be demonstrated that the use and development:*

- a) can achieve and maintain a tolerable risk for the intended life of the use and development;*
- b) benefits the public or is dependent on the particular location; and*
- c) considers the impacts on coastal values and natural processes and those impacts are managed in accordance with the objectives, principles and outcomes of this Policy.*

3. In the Definitions section, following the definition of 'planning controls', insert the following definition of 'tolerable risk':

#### ***Tolerable risk***

*"tolerable risk" means the lowest level of likely risk from the relevant hazard:*

- a) to secure the benefits of a use or development in a relevant hazard area; and*
- b) which can be managed through:*
  - iii. routine regulatory measures; or*
  - iv. by specific hazard management measures for the intended life of each use or development.*

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	002\012\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

**OFFICER'S RECOMMENDATION:**

That the General Manager's report be received.

**INTRODUCTION:**

The purpose of this report is to provide Councillors with an update of various matters which are being dealt with by the General Manager and with other Council Officers where required.

**PREVIOUS COUNCIL CONSIDERATION:**

Provided as a monthly report – Council consideration at previous meetings.

**OFFICER'S REPORT:****Meeting and Events attended:**

22.07.2025	<b>MS Teams</b>	– Depreciation of Council assets and Financial Reporting, participated in a Australian Local government Association Roundtable on behalf of LGAT with the Australian Accounting Standards Board (AASB) to discuss depreciation of local government assets. This highlighted a significant variation in approaches between the States which is primarily driven by the respective Auditor-Generals attitudes.
23.07.2025	<b>Campbell Town</b>	– Regional Jobs Hub Community of Policy & Practice, attended the session facilitated by Jobs Tasmania which involved representatives from the seven regional Jobs Hubs. Primary focus related to the Youth Jobs Strategy implementation and its interface with Education.
25.07.2025	<b>Launceston</b>	– Northern Regions GMs, meeting with LGAT officers to receive a briefing in relation to Climate Change activities occurring at the State level and integration with NTARC activities.
25.07.2025	<b>Launceston</b>	– Local Government Association of Tasmania's (LGAT) General Meeting and Annual General Meeting.
04.08.2025	<b>St Helens</b>	– Council Workshop.
11.08.2025	<b>St Helens</b>	– Meeting with Rebecca White MP to discuss Break O'Day Council's priorities.
11.08.2025	<b>St Helens</b>	– TasWater Prices and Services Plan Briefing.

12.08.2025	<b>Launceston</b>	– Jobs and Skills Australia (JSA) Regional Roundtable to engage closely with stakeholders in the jobs and skills system to refine and progress a potential Roadmap for the State.
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#### **Meetings & Events Not Yet Attended:**

18.08.2025	<b>St Helens</b>	– Council Meeting.
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General – The General Manager held regular meetings with Departmental Managers and individual staff when required addressing operational issues and project development. Meetings with community members Dave Duggan and Andrew MacGregor.

#### **Brief Updates:**

##### **St Columba Falls Walking Track Access**

Parks and Wildlife Service have advised that they are still aiming to have the track open for this Summer and the current government caretaker status does not present an obstacle. The project is scheduled to go to Tender in mid-August, with the process anticipated to conclude by the end of September, every effort will be made to expedite completion subject to contractor availability.

The complexity of the site has led to additional issues being identified as the investigation progressed, the storm event in 2024 caused more complex and extensive damage than initially assessed. The landslip prevention membrane, which was intended to stabilise the walking track, sustained substantial damage and increased the risk of soil movement and landslip until repairs could be undertaken. Scouring of the track surface has also resulted in uneven and unsafe conditions. The necessary repairs involve reinforcing the upper retaining wall to prevent further damage, replacing a bridge, installing safety railings and fencing along exposed sections, as well as stabilising the road section above the track and creek.

Although the intention was to begin works earlier in the year, assessments indicated additional significant landslip risk from the road above the track and creek. Additional complexities include required work on private land, necessitating a land survey and engagement with the landholder.

##### **Rebecca White MP Meeting**

This was the first opportunity to meet with Rebecca White following her successful transition from State Parliament to Federal Parliament. She has been provided with ministerial portfolio responsibilities as Assistant Minister for Women, Assistant Minister for Health and Aged Care, and Assistant Minister for Indigenous Health. Key topics covered apart from a general discussion regarding the Break O'Day Council area being classified as regional and not remote under the Federal Government ARIA+ classification included:

1. St Marys Childcare Needs Analysis and funding for a new Centre
2. Fingal Post Office expression of interest for a new operator
3. Regional University Study Hub – progress update
4. St Marys Pass commitment – what is happening between Federal and State Governments?
5. Telecommunications, Ansons Bay and St Helens
6. Local Roads and Community Infrastructure Program and reestablishment of a similar program

7. Circular Economy – leadership at Federal and State level lacking, Extended Producer Responsibility
8. Housing and Workforce shortages, development of the Trades workforce

## Communications Report

TOPIC	ACTIVITY	PROGRESS
<b>GENERAL COMMS</b>	BODC Newsletter	Sent out 1 week ago. Included stories on: <ul style="list-style-type: none"> <li>• Celebrating Early Learning Matters Week at Fingal Play Centre</li> <li>• Tasmanian Rural Doctor of the Year 2025</li> <li>• Help Us Manage Stray Cats – Keep Your Cat Safe, and Don't Feed Strays</li> <li>• East Coast Art Trail – Vote Now!</li> </ul>
	BODC Website	<ul style="list-style-type: none"> <li>• Have your say – Children and Young People Advisory Group. Applications close 15 August 2025.</li> <li>• Fingal Valley 'Sustainable Living Expo'.</li> <li>• St Helens Scout Group – Trivia night.</li> <li>• Good Sports Workshop. Tickets at Humanitix.</li> </ul>
	Valley Voice: Five minutes with the Mayor	Mayor's piece about: <ul style="list-style-type: none"> <li>• Reminder to pet owners – HomeSafeID pet register closure and re-registering pets.</li> <li>• Changes to bin collection times – reminder to place bins out by 6am.</li> </ul>
	North Eastern Advertiser	Mayor's piece about: <ul style="list-style-type: none"> <li>• Re-election as President of the Local Government Association of Tasmania (LGAT)</li> <li>• Scamander – Beaumaris Structure Plan.</li> </ul>
<b>SOCIAL MEDIA</b>	Break O'Day Council	<ul style="list-style-type: none"> <li>• The 'Off Season' promotion – free entry to the St Helens History Room for the month of August.</li> <li>• St Helens General Cemetery – Remembrance Garden Works Begins.</li> <li>• Citizenship Ceremony – Welcoming three new citizens.</li> </ul>
	Shared Social Media Posts	<ul style="list-style-type: none"> <li>• Parenting Research Centre survey - open until late August 2025.</li> <li>• TasWater - Voting Open for East Coast Art Trail. Closes 18 August 2025.</li> </ul>

		<ul style="list-style-type: none"> <li>St Helens Orienteering Club events.</li> </ul>
<b>EMAIL DATABASES</b>	<b>Continuing to develop</b>	Continuing to collect email addresses for the newsletter and township databases. This has been going well with all the consultation underway, which is used as an opportunity to promote our EDMs.

#### Actions Approved under Delegation:

NAME/DETAILS	DESCRIPTION OF USE OF DELEGATION	DESCRIPTION	DELEGATION NO / ACT
DA 2024/00235 3/5 Newman Street, St Marys	Affixing Common Seal	<b>Final Plan of Survey</b>	Number 21 – Miscellaneous Powers and Functions to the General Manager
Electric Highways Tasmania (EHT) Agreement to substitute NRMA for EHT	Affixing Common Seal	<b>Deed of Novation</b>	Number 21 – Miscellaneous Powers and Functions to the General Manager

#### General Manager's Signature Used Under Delegation for Development Services:

DATE	DOCUMENT	ADDRESS	PID OR DA
01.07.2025	337 Certificate	15 Lawry Heights, St Helens	7255639
03.07.2025	337 Certificate	19 Peron Street, Stieglitz	6785662
03.07.2025	337 Certificate	7 Peron Street, Stieglitz	6785590
04.07.2025	337 Certificate	109 Irish Town Road, St Marys	3029968
04.07.2025	337 Certificate	2/42 Quail Street, St Helens	7689672
07.07.2025	337 Certificate	10 High Street, Scamander	6783130
07.07.2025	337 Certificate	85 North Ansons Road, Ansons Bay (C/T 182878/2)	3414516
07.07.2025	337 Certificate	21 Horne Street, Fingal	6411329
14.07.2025	337 Certificate	28 Legge Street, Falmouth (CT183959-1)	6401139
16.07.2025	337 Certificate	52 Quail Street, St Helens	6795406
17.07.2025	337 Certificate	175 Main Road, Binalong Bay	3041414
21.07.2025	337 Certificate	53 St Helens Point Road, Stieglitz	6789866
22.07.2025	337 Certificate	135 Semmens Road, St Marys	1545176
22.07.2025	337 Certificate	16 Peron Street, Stieglitz	6785435
24.07.2025	337 Certificate	9 Alma Court, St Helens	2253829
25.07.2025	337 Certificate	512 Irish Town Road, St Marys	7950885
29.07.2025	337 Certificate	14 Charles Street, Beaumaris	6809724
29.07.2025	337 Certificate	85 Kohls Road, Pyengana	6806048

#### Tenders and Contracts Awarded:

Nil

## **STRATEGIC PLAN & ANNUAL PLAN:**

### Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

#### Goal

Services - To have access to quality services that are responsive to the changing needs of the community and lead to improved health, education and employment outcomes.

#### Strategy

- Work collaboratively to ensure services and service providers are coordinated and meeting the actual and changing needs of the community.
- Ensure Council services support the betterment of the community while balancing statutory requirements with community and customer needs.

## **LEGISLATION & POLICIES:**

N/A

## **BUDGET AND FINANCIAL IMPLICATIONS:**

N/A

## **VOTING REQUIREMENTS:**

Simple Majority



<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	John Brown, General Manager
<b>FILE REFERENCE</b>	039\002\008\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	Motion - Developing a Statewide Local Government Workforce Renewal Program Motion - Advancing the Circular Economy Across Tasmania

**OFFICER'S RECOMMENDATION:**

That Council:

1. endorse the General Manager's motion for submission to the Local Government Association of Tasmania's (LGAT) General Meeting to be held in November 2025.
2. endorse the Deputy Mayor's motion for submission to the Local Government Association of Tasmania's (LGAT) General Meeting to be held in November 2025.

**INTRODUCTION:**

The Call for Motions has been advertised for the General Meeting of the Association to be held on Thursday 20 November 2025.

**PREVIOUS COUNCIL CONSIDERATION:**

**Council Workshop 7 July 2025**

**OFFICER'S REPORT:**

This call for motions is an opportunity for Council to discuss and consider any aspects of Local Government, which could be listed for debate/discussion at the General Meeting of LGAT on Thursday 20 November 2025.

The General Manager would like to put forward the following motion for Council's consideration:

**Motion - Developing a Statewide Local Government Workforce Renewal Program**

The Deputy Mayor would like to put forward the following motion for Council's consideration:

**Motion - Advancing the Circular Economy Across Tasmania**

Closing date for submissions to LGAT is Friday 22 August 2025.

## **STRATEGIC PLAN & ANNUAL PLAN:**

### 2024-2025 Break O'Day Annual Plan

#### Goal

Stakeholder Management - Local Government Association of Tasmania (LGAT) and Australian Local Government Association (ALGA) - Participate actively at the State and National level in Local Government matters including policy development.

## **LEGISLATION & POLICIES:**

N/A

## **BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

There would be no financial implications for Council.

## **VOTING REQUIREMENTS:**

Simple Majority

## **MOTION: Developing a Statewide Local Government Workforce Renewal Program**

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### **That the Local Government Association of Tasmania (LGAT):**

Work with the State and Federal Governments to develop and implement a program similar to the NSW Local Government Apprentice, Trainee, and Cadet Fresh Start Program in order to effectively implement Recommendation 35 of the Future of Local Government Review, addressing workforce shortages, enhancing diversity, and building sustainable local government capacity.

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### **Rationale:**

The NSW Local Government Apprentice, Trainee, and Cadet Fresh Start Program exemplifies a practical response to workforce challenges in local government and resonates strongly with the recommendations outlined in the Tasmanian Future of Local Government Review. Specifically, the Review's Final Report makes Recommendation 35:

*Recommendation 35: The Tasmanian Government should:*

- *support the Local Government Association of Tasmania (LGAT) to develop and implement – in consultation with councils and their staff – a workforce development toolkit tailored to the sector and aligned with the Tasmanian Government's workforce development system;*
- *support councils to update their workforce plans at the time of any consolidation;*
- *support LGAT to lead the development and implementation of state-wide approach to workforce development for key technical staff, beginning with environmental health officers, planners, engineers and building inspectors;*
- *recognise in statute that workforce development is an ongoing responsibility of council general managers – and that it be included as part of the new Strategic Planning and Reporting Framework; and*
- *include simple indicators of each council's workforce profile in the proposed council performance dashboard.*

The Fresh Start Program aligns with supporting LGAT to pursue implementation of a state-wide approach that not just focuses on workforce development for key technical staff but a broader approach to promoting the attractiveness of local government as a whole as a career. A coordinated approach can focus on youth leveraging off the strategies within the Tasmanian Government's Youth Jobs Strategy.

### NSW Fresh Start Program Overview

- It's a \$252.2 million, six-year initiative by the NSW Government to address workforce shortages in local councils by funding 1,300 new apprenticeships, traineeships, and cadetships across metropolitan, regional, and rural areas [NSW Government Office of Local Government NSW](#).
- The broader aim is to boost the local government workforce by 15% through entry-level roles designed to fill critical skills gaps and future-proof council services

### Objectives

1. Expand local government capacity by increasing workforce numbers.
2. Address workforce shortages and skill gaps across diverse roles.
3. Create pathways for youth, especially school leavers, to gain certified training while employed.
4. Contribute to social goals, including the National Agreement on Closing the Gap

### Impact So Far

- By mid-May 2025, over 1,000 new apprentices, trainees, and cadets had started in councils across NSW (with 1,008 approved in the first two rounds)
- Highlights of roles funded:
  - 146 parks & gardens positions
  - 44 early childhood trainees
  - 58 apprentice mechanics, 25 electricians, 82 civil construction trainees
  - 47 planning cadets, 58 engineering cadets—crucial for infrastructure and housing challenges
- Over 60% of roles are in regional and rural councils, benefiting those communities substantially
- Nearly 90% of councils secured funding, demonstrating strong sector uptake

Through linking directly to Recommendation 35 of the Tasmanian Future of Local Government Review, the NSW Fresh Start Program offers a blueprint for action. Its demonstrated outcomes—enhanced staff capability, increased workforce diversity, and stronger community connections—show how targeted workforce renewal strategies can deliver on Tasmania's aspirations for a modern, effective, and inclusive local government sector.

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## **MOTION: Advancing the Circular Economy Across Tasmania**

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### **That the Local Government Association of Tasmania (LGAT):**

1. Recognises the circular economy as a key opportunity for Tasmania to reduce waste, strengthen regional economies, lower emissions, and increase community resilience through smarter use and reuse of materials and resources.
  2. Advocates to the Tasmanian Government for the development and implementation of a Statewide Circular Economy Strategy, developed in consultation with local government, regional waste groups, industry, the community sector, and education and research institutions.
  3. Encourages continued collaboration among Tasmanian councils and regional waste groups to:
    - o Share best practices and resources for circular initiatives (e.g. reuse markets, repair hubs, community composting);
    - o Identify and pursue joint procurement and regional partnerships that support circular outcomes;
    - o Align local policies (e.g. waste, procurement, planning) with circular economy principles.
  4. Calls on the Tasmanian Government to:
    - o Provide continued funding, policy support, and incentives for local governments and regional waste groups to pilot and scale circular economy projects;
    - o Ensure state infrastructure investment (e.g. waste and resource recovery facilities) supports circularity and regional equity;
    - o Support skills development and community education focused on repair, reuse, sustainable design, and local circular enterprise.
  5. Requests LGAT to:
    - o Facilitate a working group or forum of interested councils to engage with the Tasmanian Government on the circular economy agenda;
    - o Include the circular economy as a standing item in relevant LGAT policy discussions and submissions (e.g. waste, climate, economic development).
  6. Request the Tasmanian Government compile and provide a publicly available material flow analysis for the State and each region to provide clear data to support public and private infrastructure investment in locations to maximise diversion and reuse in the Tasmanian economy
- 

### **Rationale:**

Tasmania is well-positioned to lead nationally in the transition to a circular economy. Local governments are on the frontlines of waste management and community engagement, and play a vital role in enabling local circular solutions. A coordinated, well-supported approach



will ensure all regions benefit from the environmental, economic, and social advantages of a circular future.

There is value in being clear to the State Government about the importance of Local Government in a transition to a circular economy. Investment in development of the circular economy in Tasmania will maximise waste diversion to manage life of landfill assets and reduce the ongoing introduction of additional raw materials to the Tasmanian environment whilst maximising opportunities to increase economic growth by investing in circularity.

Tasmania has three regional waste groups – Circular North in the north; Cradle Coast Waste Management Group in the north west and TasWaste South in the south of the State. The State Government funding deed for each of the regional waste groups requires active collaboration between the CEO's of the groups to identify shared procurement opportunities, potential alignment in project delivery and ongoing dialogue regarding the Rethink Waste education and engagement program.

Circular North's 5-year strategic plan is aimed at supporting the region's transition to a Circular Economy. The plan introduces a vision, goals, targets, and actions to drive progress, focusing on landfill diversion and increasing resource recovery, all of which emphasise facilitating collaboration, supporting strategic alignment, and improving waste management data and reporting.

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ACTION	DECISION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	014\006\001\
ASSOCIATED REPORTS AND DOCUMENTS	Draft Council Meeting Procedures 2025 Draft Council Meeting Agenda Template Local Government (Meeting Procedures) Regulations 2025 (provided separate under cover)

**OFFICER'S RECOMMENDATION:**

That Council approve the updated Council Meeting Procedures 2025 and Council Meeting Agenda Template in accordance with the amendments to the *Local Government (Meeting Procedures) Regulations 2025*.

**INTRODUCTION:**

The Local Government (Meeting Procedures) Regulations 2015 is an important part of the local government legislative framework in Tasmania. The Meeting Procedures Regulations are made under the *Local Government Act 1993 (the Act)*.

Regulations last for 10 years and are then required to be 'rewritten' (or remade). This requirement is set out under *section 11(2) of the Subordinate Legislation Act 1992*.

**PREVIOUS COUNCIL CONSIDERATION:**

**Council Workshop 4 August 2025**

**Council Meeting 21 July 2025**

**07/25.17.2.651**

Moved: Clr J Drummond/ Seconded: Clr I Carter

That Council approve the updated Council Meeting Procedures 2025 and Council Meeting Agenda Template in accordance with the amendments to the *Local Government (Meeting Procedures) Regulations 2025*.

An Amendment was moved:

**07/25.17.2.651**

Clr L Johnstone/ Seconded: Clr K Wright

Raise concerns with the Minister for Local Government, Office of Local Government and LGAT regarding the recording of Closed Council meetings which relate to personnel matters and potential access to recordings.

**CARRIED UNANIMOUSLY**

The Amendment becomes the Motion:

**A Procedural Motion was moved:**

**07/25.17.2.651**

Clr L Johnstone / Seconded: Clr K Wright

To defer the approval of the Council Meeting Procedures to a Council Workshop.

**CARRIED UNANIMOUSLY**

**Council Workshop 7 July 2025**

**OFFICER'S REPORT:**

The Department of Premier and Cabinet has provided an updated version of the proposed draft regulations following initial sector consultation. While many core provisions remain unchanged, key amendments have been introduced to better align the regulations with contemporary expectations around governance, accountability, and inclusivity.

Amendments since the previous Discussion Paper include:

2015 Meeting Procedures regulation number	2025 Meeting Procedures regulation number	Title	Change
		<b>PART 1 - PRELIMINARY</b>	
<b>1</b>	<b>1</b>	Short title	Amended
<b>Intent:</b> <i>Updated date to 2025.</i>			
<b>2</b>	<b>2</b>	Commencement	Amended
<b>Intent:</b> <i>Updated date to 2025.</i>			
<b>3</b>	<b>3</b>	Interpretation	New interpretations
<b>Intent:</b> <i>Changes recommended by the Office of Parliamentary Counsel (OPC):</i> <ul style="list-style-type: none"><li>• 'workshop' interpretation moved to regulation 10 as it is the only reference in the Regulations.</li><li>• new interpretations: minutes, motion without notice, motion with notice, public question on notice, public question without notice, question on notice, question without notice.</li></ul>			
<b>Schedule 1</b>	<b>4</b>	Fees	Moved, no change
<b>Intent:</b> <i>Recommended by OPC – moved from schedule to body of Regulations.</i>			
		<b>PART 2 - MEETINGS</b>	
		Division 1 – Convening and agendas	
<b>4</b>	<b>5</b>	Convening council meetings	Amended
<b>Intent:</b> <i>Clarification provided for the meaning of majority in this regulation. 'On a date determined by the Minister' has been removed from 5(4) on advice from OPC. There is no power for this in the Local Government Act 1993.</i>			
-	<b>8</b>	Statement to be made at meetings	New
<b>Intent:</b> <i>This notifies attendees at meetings that the meeting is to be recorded and promotes respectful participation</i>			
<b>8</b>	<b>10</b>	Agenda	Amended

2015 Meeting Procedures regulation number	2025 Meeting Procedures regulation number	Title	Change
<p><b>Intent:</b> ‘Applications’ for leave of absence changed to ‘requests’ for leave of absence. New reference to notifications of leave of absence for parental leave.</p> <p>‘Pecuniary’ has been removed so that all interests are to be declared and not just pecuniary interests. Councillor question time and councillor motions with notice have been included for items that may be included in the agenda.</p> <p><b>Note</b> that the recording of councillor questions in the minutes as per regulation 39 relates to questions asked by councillors under the specific agenda item ‘councillor questions’. It is not intended that every question asked by a councillor during other parts of a meeting is subject to regulation 39.</p>			
11	13	Quorum	Amended
<p><b>Intent:</b> The definition of ‘pecuniary interest’ has been moved to this regulation from the interpretation section as it is only referred to in this regulation.</p>			
13	15	Adjournments	Restructured
<p><b>Intent:</b> Slight change to the order of provisions as suggested by OPC.</p>			
15	17	Closed meetings	Amended
<p><b>Intent:</b> Regulation 17(2)(h) has been separated to enable a matter to be heard in a closed session if it is either personal and confidential or provided on the basis it be kept confidential. For example, when information concerning the nature and location of a place or an item of Aboriginal significance on community land is included in an agenda item it will now be able to be included in a closed session. Notifications of parental leave have been added so they can be heard in closed session. Regulation 17(5)(c) has been amended so that the chairperson can invite a person to a closed session to provide service, assistance or support to the meeting. For example, this will allow councils to have an audio technician present to record a closed session.</p>			
		<b>Division 2 -- Motions</b>	
16	18	Motions generally	Restructured and amended
<p><b>Intent:</b> The provisions about motions have been separated into three sections to promote clarity and implementation.</p> <p>Regulation (6) - the reasons a motion can be refused have been expanded to include if a motion ‘does not relate to the activities, or functions, of the council.’</p>			
19	19	Written notice of motion	Restructured and amended
<p><b>Intent:</b> Clarifies that if the motion is accepted that it is to be included on the next agenda.</p>			
20	20	Motions without notice	Restructured and amended
<p><b>Intent:</b> Clarifies that any previous motions without notice that were set aside are to be heard.</p>			
		<b>Division 4 -- Questions</b>	
-	33	Questions generally	New
<p><b>Intent:</b> The provisions about questions have been separated into sections to promote clarity and implementation.</p> <p>33(1) - ‘Relevant entity’ is included to clarify who is responsible for making decisions on acceptance or refusal of questions. For example, if the question is provided before the meeting the general manager makes the decision, if the question is raised without notice at the meeting the chairperson makes the decision. Noting that the chairperson and general manager always have the option of consulting each other for guidance/support.</p>			

2015 Meeting Procedures regulation number	2025 Meeting Procedures regulation number	Title	Change
<i>33(2) and (3) – Clear guidance is provided as to what is and isn't acceptable for questions. Note that statements can still be invited and provided under regulations 44 and 46.</i>			
<b>29</b>	<b>34</b>	<b>Questions without notice by councillor</b>	<b>Restructured</b>
<b>30</b>	<b>35</b>	<b>Questions on notice by councillor</b>	<b>Restructured</b>
<b>-</b>	<b>36</b>	<b>Questions by member of the public</b>	<b>Restructured</b>
<b>Intent:</b> Questions from the public will also need to comply with guidance about what is and isn't acceptable in regulation 33(2) and (3).			
<b>-</b>	<b>37</b>	<b>Questions without notice by member of the public</b>	<b>Restructured</b>
<b>-</b>	<b>38</b>	<b>Questions on notice by member of the public</b>	<b>Restructured</b>

		<b>Division 5 -- Minutes</b>	
<b>32</b>	<b>39</b>	<b>Minutes</b>	<b>Amended</b>
<p><b>Intent:</b> The list of matters to be included in council minutes is referred to as the minimum requirement. 39(1)(f) – identifies what is to be recorded in the minutes related to declarations of interest. The term 'member' and 'close associate' have been removed as the Meeting Regulations only relate to council meetings and council committee meetings. Close associates and members are members of special committees or other meetings not covered by the Meeting Regulations.</p> <p>Note the Office of Local Government is working on declarations as provided in the Local Government Act and further information will be provided to councils as part of that process.</p> <p>Clarification is provided about what is to be recorded for questions from councillors and members of the public.</p> <p>Questions that are refused no longer have to be included in minutes except for the reason of refusal, the name of the person who asked the question and the date of the meeting. This prevents inappropriate questions being recorded.</p> <p>39(3) – is a new avoidance of doubt provision to clarify that the written minutes are the true record of the meeting.</p>			
		<b>PART 3 – GENERAL PROVISIONS</b>	
<b>33</b>	<b>43</b>	<b>Audio recording of meetings</b>	<b>Amended</b>
<p><b>Intent:</b> The audio recording of meetings has been changed from 'may' to 'is to'. The intent is to make council meetings more accessible to more people. The recordings are to be provided sooner (within five business days) than minutes making the flow of information more efficient. An audio recording is the minimum requirement but councils may also use audio visual or live recordings and do not need to also provide an audio recording.</p> <p>Councils are to publish recordings for a minimum of 12 months and keep them for a minimum of two years.</p> <p>Recordings can be edited to remove harmful or unlawful content. Edited versions are to include a statement about why they have been edited. Councils must keep an unedited version in their records. There is no obligation on the general manager to edit recordings as 'may' is used in this provision and it is therefore discretionary. It is at the general manager's discretion, to assess and/or edit an audio recording if the audio recording meets one or more of the criteria in regulation 43(8).</p> <p>Councils can use the recordings to confirm written minutes are correct.</p>			

<p><i>Closed sessions are also to be recorded and kept but do not need to be published.</i></p> <p><i>The consultation version of the Regulations contained provisions about what happens if there are technical difficulties. It was unnecessary to keep these provisions as recordings are not mandatory. A council may determine any other procedures relating to the audio recording of meetings that it considers appropriate, regulation 43(9), which can include guidance about technical difficulties.</i></p> <p><i>The cost of recording is to be funded by councils.</i></p>			
<b>37</b>	<b>44</b>	<b>Other procedures</b>	<b>Reduced</b>
<b>Intent:</b> <i>The requirement to attend meetings in person has been moved to its own section.</i>			
-	<b>45</b>	<b>Requirement to attend meetings in-person</b>	<b>Moved</b>
<b>Intent:</b> <i>This has been separated from the previous provision to assist with remote attendance at meetings, when those provisions are introduced at a later date.</i>			
<b>39</b>	<b>47</b>	<b>Leave of absence</b>	<b>Amended</b>
<b>Intent:</b> <i>Small amendments have been made to note the new parental leave of absence provisions and that parental leave and the usual leave of absence provisions cannot be taken at the same time.</i>			
-	<b>48</b>	<b>Parental leave</b>	<b>New</b>
<p><b>Intent:</b> <i>New provisions that enable a person to take parental leave as a right, ie it is not subject to a request and approval as is the usual leave of absence provisions. The intent is to encourage people wanting to become parents to see the role of councillor as inclusive. This is important to increase the number of younger people and women in councils.</i></p> <p><i>Note that a councillor on parental leave will receive their allowance as per section 340A of the Local Government Act 1993 which provides that allowances are paid unless a councillor is suspended or if they ask not to receive it.</i></p> <p><i>Note that suggestions to extend this provision to other types of leave were not included as they can be provided for under regulation 47 leave of absence provisions.</i></p>			
<b>42</b>	<b>51</b>	<b>Powers and functions of regulations to commissioner under section 232</b>	<b>Amended</b>
<b>Intent:</b> <i>Updated by OPC without changing the intent.</i>			

The Council Meeting Procedures and Council Agenda template has been updated to reflect these changes.

These changes aim to improve transparency, accountability, inclusivity, and fairness across Councils, and align with the broader objectives of the Local Government Priority Reform Program 2024–2026.

## STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Break O Day Annual Plan 2024 – 2025

Stakeholder Management

Legislative Reviews - Participate in reviews of legislation affecting Local Government.

## LEGISLATION & POLICIES:

*Local Government (Meeting Procedures) Regulations 2015*

**BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

N/A

**VOTING REQUIREMENTS:**

Simple Majority



# Council Meeting Procedures



*Version: 1 – Adopted 10 June 2010  
Version: 2 – Reviewed May 2018  
Version 3 – Reviewed April 2019  
Version 4 – Adopted 24 June 2019  
Version 5 – Reviewed November 2021  
Version 6 – Adopted 21 August 2023  
Version 7 – Implemented 15 April 2024 (Live Streaming)*

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## 1. Introduction

- 1.1 Break O'Day Council considers that the process of Local Government meetings should be open, transparent and accessible to the community.
- 1.2 To ensure that the processes undertaken by Council are consistent in their application, Council will use the *Local Government (Meeting Procedures) Regulations 2015-2025* ("the regulations") and the *Local Government Act 1993* ("the Act") supported by the following meeting procedures as the basis for the operation of Council and Committee meetings.
- 1.3 In accordance with Regulation ~~443~~7 of the regulations the following procedures be adopted in respect of the operation of Council Meetings and Council Committee Meetings.

## 2. Interpretation

- 2.1 "Meeting": means either a Council Meeting or a Council Committee Meeting.

## 3. Agenda for Council and Council Committee Meetings

- 3.1 The standard agenda to be used for a Council Meeting is shown in Appendix A.
- 3.2 The standard agenda to be used for a Council Committee Meeting is shown in Appendix B.
- 3.3 The Duties and Responsibilities of a Chairperson ("Chair") of a Meeting are shown in Appendix C.

## 4. Live Audio/Visual Streaming of Council Meetings

All ordinary meetings, special meetings and annual general meetings will be live streamed using audio/visual technology. A link to the audio/visual recordings will be made available to the public post the meeting on Council's website. The audio/visual recording of Council Meetings will be published for a minimum of 12 months and kept for a minimum of two years~~only be retained for six (6) months.~~ Audio recordings of Closed Council meetings must be made but are not to be published. These recordings will be stored securely and kept separate from public recordings, in line with confidentiality requirements.

Other than an official Council recording, no video or audio recording of proceedings of Council Meetings shall be permitted without specific approval by resolution of the Meeting.



The streaming platform utilised for recording and streaming is setup specifically for Break O'Day Council and Council has full control of which meetings are streamed or uploaded for viewing. There is no ability for the public to comment, edit or download recordings in anyway. They can only be viewed via the Council link.

Participation in person at the Council Meeting is considered as providing your consent to livestreaming of that meeting.

The Chairperson will read aloud the following Disclaimer at the commencement of meetings and this disclaimer will also be published within the agenda:

*Ladies and gentlemen, I would like to advise you that today's Council Meeting is being live streamed and recorded. This means that members of the public who are unable to attend in person can still observe the proceedings. By remaining in this chamber, you are consenting to being filmed and recorded. Please be mindful of your actions and contributions as they will be visible to the public. Thank you for your cooperation.*

The audio/visual recording of the meetings does not replace the written minutes and a transcript of the recording will not be prepared.

Signs will be placed in prominent positions within the Council Chambers/Meeting Room to inform the public entering the room that the meeting is being audio/visually streamed and recorded.

The Chairperson has the authority at any time of the proceedings to direct the termination of the audio recording of a meeting. However, the Chairperson should only terminate the audio/visual streaming/recording in exceptional circumstances including (but not limited to):

- It is clearly evident that the discussion is (or potentially likely to be):
  - o An infringement of copyright;
  - o A breach of privacy and/or unlawful disclosure of personal information;
  - o A release of privileged or confidential information of Council.
- Unexpected adjournment;
- Inappropriate behaviour;
- Moving into a closed session; or
- Formally closing the meeting.

If in the situation of a technical difficulty that the live streaming is not possible, every attempt will be made to audio record the meeting and the Chairperson will advise those present of the circumstances. In the event that an audio recording is unable to take place due to the same technical difficulties affecting the live streaming or, if any file becomes corrupt and therefore unavailable, this information will be provided on the Council website (or equivalent).

The following Frequently Asked Questions are provided for information purposes only and are simply a general guide in relation to the live streaming of meetings.

*What is live streaming?*

Live streaming is the transmission over the Internet of video of an event as it happens. Streaming is a form of online video in which the site sends video footage to a user's machine "on the fly" rather

than as a complete file. It is like the difference between watching a TV show as it airs and watching a DVD.

*What do I need to view the videos?*

You need a device running a supported operating system, a supported web browser, and speakers. Please see responses below for more details.

*What platforms and browsers are supported?*

The following browsers are supported:

- Chrome
- Firefox
- Internet Explorer 11+
- Opera
- Safari
- iOS
- Android 4(Mobile)

*What connection speed is required to watch the videos?*

To be sure the video will play smoothly, you will need a minimum connection speed of 700kbs.

*How much data will be used while streaming a video?*

While live streaming a video from this website, it will use approximately 6MB per minute (700kbs).

*Video Player for archive videos?*

For archive videos, you need a browser compatible to play html5 video most update to date browsers can play html5 video.

*How soon after a Council Meeting will the video be available to watch?*

In most cases, once a Council Meeting has concluded, the video will be available to watch online within two business days. These are available in the [archive](#).

## 5. Public Question Time

5.1 A member of the public may give written notice to the General Manager at least seven (7) days before an ordinary Council Meeting of a question to be asked at that meeting.

5.2 A member of the public can ask no more than four (4) questions per meeting.

~~5.3 A member of the public can speak for no longer than five (5) minutes per meeting.~~

~~5.4~~<sup>5.3</sup> The Chairperson of an ordinary Council meeting will address questions on notice submitted by members of the public and invite any members of the public present at the meeting to ask questions relating to the activities of the Council.

5.4 A question asked at a meeting is to:

5.4.1 Be concise; and

5.4.2 Be clear; and

5.4.3 Not be a statement; and

5.4.4 Have minimal preamble

~~5.4.1 Questions from the public must be clear and concise. The question must be asked first and then any supporting explanation provided must directly relate to the question in a clear and concise manner.~~

5.5 ~~A question~~Questions must relate to the ~~activities~~business of the Council as a whole and not be directed to a particular Councillor and how they are discharging their duties as a Councillor.

5.6 General statements from the public are not permitted during public question time.

5.7 The Chairperson will require a question from a member of the public asked at the meeting to be put in writing and provided at that meeting.

5.8 A question by any member of the public under this regulation and an answer to that question are not to be debated at the ordinary Council meeting.

5.9 The Chairperson of an ordinary Council meeting may refuse to accept a question from a member of the public and if the Chairperson refuses to accept a question they must give reasons for doing so.

## 6. Questions on Notice

6.1 This agenda item allows Councillors to ask a question on notice on any matter relevant to Council activities.

6.2 A Councillor can ask no more than four (4) questions on notice per meeting by giving the General Manager written notice of the question(s) at least seven (7) clear days before the date of the meeting at which the question is to be asked.

6.3 A question asked at a meeting is to:

Council Meeting Procedures

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- 6.3.1 Be concise; and
- 6.3.2 Be clear; and
- 6.3.3 Not be a statement; and
- 6.3.4 Have minimal preamble

6.36.4 In the event the question is accepted the General Manager must ensure that the question and the reply are placed on the agenda for the meeting at which the question is to be asked.

6.46.5 The question and the reply must be entered in the minutes of the relevant meeting.

## 7. Notice of Motion

*Motions and amendments should not be vague or ambiguous; they should be couched in precise and definite language and should comply with any regulations as to form a notice; otherwise the Chair should refuse to allow them to be put. [Joske's Law and Procedure at Meetings in Australia, 10<sup>th</sup> Edition, Ellis S Magner, Thomson Lawbook co., 2007]*

- 7.1 This agenda item allows Councillors to bring forward any business in the form of a written notice of motion.
- 7.2 A notice of motion must be given to the General Manager at least seven (7) clear days before the date of the meeting at which the motion is to be moved.
- 7.3 A Councillor can submit no more than four (4) notices of motion per meeting.
- 7.4 Provided the ~~Chairperson~~General Manager does not refuse to accept a notice of motion in accordance with Regulation 168(6) of the regulations then the General Manager must ensure that the motion on notice is placed on the agenda for the meeting at which the notice of motion is to be moved.
- 7.5 No motion shall be proceeded with in the absence of the Councillor giving notice unless some other Councillor has been authorised to move it by the Councillor who gave notice. *[Joske's Law and Procedure at Meetings in Australia, 10<sup>th</sup> Edition, Ellis S Magner, Thomson Lawbook co., 2007]*

All notices of motion must be preceded by the following statement:

*"A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at its meeting on the..."*

## 8. Petitions

- 8.1 Where a petition is received by a Councillor pursuant to Section 57(1) of the Act then that Councillor is to forward the petition to the General Manager within seven (7) days of receiving it.
- 8.2 Where a petition is received directly by the General Manager in accordance with Section 57 of the Act or is received by the General Manager in accordance with 6.1 above the General Manager will, subject to Sections 58(3) and 59 of the Act, ensure that the petition is placed on the agenda of the next ordinary meeting of Council with a short statement as to the nature of the petition and the number of signatures to the petition.

8.3 If the petition placed on the Council Meeting agenda is accompanied by a report from a Council Officer, the Council may consider the petition at the Council Meeting.

8.4 If the petition placed on the Council Meeting agenda is not accompanied by a report from a Council Officer, and if it however relates to a matter that:-

8.4.1 Has recently been on (or is already on) an agenda of a Council Meeting, and/or

8.4.2 The community at large do not need to have the opportunity to be aware of and/or have the opportunity to comment on, and

8.4.3 Does not require further information to be provided by a Council Officer prior to Council making an informed decision,

The Chair will allow the petition to be considered at the Council Meeting.

8.5 The head petitioner or their nominee will be invited to attend the Council Meeting as a delegate and will be offered an opportunity to speak to the petition for a maximum of five (5) minutes, except in the case that the petition relates to a matter Council is undertaking consultation on, or relates to a matter that is not the responsibility of Council. Councillors will then be able to ask questions of the petitioner.

8.6 After the petitioner has been heard, the Chair of the Council Meeting will bring forward that item or items on the agenda to enable the matter(s) to be discussed forthwith.

If the head petitioner or their nominee attends a Council Meeting and has an opportunity to speak to the petition, any further request to speak at a subsequent Council Meeting will only be approved by the Chair if new material is placed on the agenda by a Council Officer in relation to the petition.

## 9. Deputations

9.1 A request for a deputation to a meeting received in accordance with Regulation 38 will be referred to the Chair for his/her approval for the deputation to appear.

9.2 Approval for a depute to speak will only be refused by the Chair if the depute has previously addressed the Council or a Council Committee about the same subject in the previous six (6) months and Council has resolved the matter.

9.3 Deputies will be given the opportunity to address the Council or Council Committee for a maximum of five (5) minutes. Councillors will then be able to ask questions of the depute.

- 9.4 Deputies will be heard and questioned without debate.
- 9.5 After hearing the depositions the Chair will bring forward the relevant item on the agenda (if any) to enable the matter to be discussed forthwith.

## 10. Voting Procedures

- 10.1 At a meeting, each Councillor, including the Chair, has one (1) vote.
- 10.2 The Chair is to take a vote by any means the Council determines.
- 10.3 Voting at a meeting may be conducted by secret ballot if the purpose is to select a person to represent the Council on a Committee or other body.
- 10.4 Where a Councillor abstains from voting the vote is recorded as a negative.
- 10.5 A tied vote results in a motion being determined in the negative.
- 10.6 The Chair will count the number of votes for and against a decision and then declare an outcome. The details of Councillors votes and the outcome are recorded in the minutes.

## 11. Questions Without Notice

- 11.1 This agenda item allows Councillors to ask no more than four (4) questions per meeting on any matter relevant to Council activities.
- 11.2 Councillors should provide the Chair with a written copy of the question.
- ~~11.3 Questions without notice, and any answers to those questions, are not required to be recorded in the minutes~~

## 12. Acting as a Planning Authority

- 12.1 If a Council or Council Committee intends to act at a meeting as a “Planning Authority” under the *Land Use Planning and Approvals Act 1993*, the Chair is to advise the meeting accordingly as follows:

At the Commencement of the “Planning Authority”:

*“Pursuant to ~~Regulation~~Section 295 of the Local Government (Meeting Procedures) Regulations 2015 the Mayor informed the Council that it was now acting as a Planning Authority under the Land Use Planning and Approvals Act 1993.”..*

At the Conclusion of the “Planning Authority”:

*“The Mayor advised the Council that it had now concluded its meeting as a Planning Authority under ~~Section~~Regulation 295 of the Local Government (Meeting Procedures) Regulations 2015.”*

- 12.2 A member of the Planning Authority is required to make decisions within the framework of the *Land Use Planning and Approvals Act 1993* (LUPAA).
- 12.3 As a member of a Planning Authority your decisions must be based on the provisions of the Planning Scheme.
- 12.4 Process to Decision:
- 12.4.1 Application
  - 12.4.2 Advertising
  - 12.4.3 Representation
  - 12.4.4 Assessment
  - 12.4.5 Decision
- 12.5 Assessment Report – The Planning Authority will be guided by its Planning Officers, who will assist by:
- 12.5.1 Identifying which parts of the Scheme you need to consider – Discretion triggers;
  - 12.5.2 Identify relevant considerations;
  - 12.5.3 Representations – relevance; and
  - 12.5.4 Recommendation.
- 12.6 If the Planning Officer recommends that a development application is refused, then the motion to be considered by the Planning Authority will be to adopt that recommendation.
- 12.6.1 If the motion is carried, then the Planning Authority will have made a decision to refuse to grant a permit.
  - 12.6.2 If the motion is lost, then the Planning Authority has not made a decision on the development application. In order to avoid the consequences of section 59 of the *Land Use Planning and Approvals Act 1993*, which deems a development application to be approved where there is no decision by the Planning Authority,



- the Planning Authority should subsequently consider a motion to approve the development application.
- 12.6.3 If the vote is tied, then the Planning Authority has not made a decision on the development application and it must subsequently consider a motion to approve the development application.
- 12.7 If the Planning Officer recommends that a development application is approved (or if a motion to refuse has been lost or tied), then a motion to approve the development application on certain conditions should be considered.
- 12.7.1 If the motion is carried, then the Planning Authority will have made a decision to grant a permit on those conditions.
- 12.7.2 If the motion is lost, then the Planning Authority has not made a decision on the development application and it may consider a subsequent motion (for example, that a permit is granted on different conditions or that the development approval is refused, on certain grounds).
- 12.7.3 If the vote is tied, then the Planning Authority has not made a decision on the development application and it must subsequently consider a motion to refuse the development application..
- 12.8 In the event that the decision of the Planning Authority is tied at both a refusal AND an approval a decision by the Planning Authority has still not been reached. The following steps may happen next:
- 12.8.1 An alternate motion can be foreshadowed, however it must be different from the motions put previously eg add/change conditions.
- 12.8.2 To break the deadlock the General Manager may exercise a delegation provided by the Planning Authority to grant a permit under Section 59(7) of the *Land Use Planning and Approvals Act 1993*.
- 12.9 To ensure that the Planning Authority does not inadvertently refuse a development application through a tied vote, the members of the Planning Authority are encouraged to:
- 12.9.1 communicate openly during the meeting prior to the formal vote being taken, so that other members are aware of each other's intention to vote; and
- 12.9.2 foreshadow an alternate motion, if a member supports the Planning Officer's recommendation generally but would prefer that a permit was granted on conditions which differ from the Planning Officer's recommendation, or that it be refused on different grounds.
- 12.10 The General Manager is to ensure that the reasons for a decision by a Council or Council Committee acting as a Planning Authority are recorded in the minutes. To the extent that there is a deemed refusal of a development application, the minutes should reflect this.



## 12.11 The Rules of Engagement and Decision Making

### 12.11.1 Do Not:

- 12.11.1.1 Make statements of predetermination – do not make any comments which suggest that you will exercise discretion in a particular way without being prepared to listen to contrary arguments.
- 12.11.1.2 Sign a representation or a petition in favour or against a proposal.
- 12.11.1.3 Participate in a decision if you have a conflict of interest:
  - Pecuniary benefit or pecuniary detriment – Sections 48 to 56 of the *Local Government Act 1993*.
  - Code of Conduct.

### 12.11.2 Do:

- 12.11.2.1 Understand exactly what you are required to decide:
  - Which provision of LUPAA apply?
  - Which parts of the Scheme are relevant?
- 12.11.2.2 Take the information contained in the application and representations into account when you make your decision.
- 12.11.2.3 Take other information into account, although you should notify the applicant if you intend to do so.
- 12.11.2.4 Encourage a community member to make a representation so that their views can be taken into account, rather than relying upon you to do that for them.
- 12.11.2.5 Channel enquiries through the relevant Planning Officer.
- 12.11.2.6 Be transparent.
- 12.11.2.7 Make and keep records of interactions which may be contentious (file notes, emails etc).

### 12.11.3 You May (Subject to the above):

- 12.11.3.1 Participate in discussions with developers and interested third parties before and after a development application is lodged.
- 12.11.3.2 Attend private and public meetings and briefings in relation to an application that will be determined by the Planning Authority.
- 12.11.3.3 Speak in favour of or against a proposal (although this is not routinely recommended).
- 12.11.3.4 Speak firmly, even passionately, in favour of your view at a Planning Authority meeting with the intention of influencing other Councillors; that conduct is to be expected.
- 12.11.3.5 Make a decision which differs from the recommendations of the Planning Officer. Clear reasons (pursuant to the Planning Scheme) must be recorded to support the decision of Council.

## 13. Submission of Emergency Motions

- 13.1 Emergency motions may be tabled at a Council Meeting. This request must be provided to the Chair and the Chair will determine whether the motion should be dealt with in an urgent capacity or whether it can be listed on a future Council Agenda.

## 14. Closed Council

- 14.1 Regulation 157(1) stated that in order to close part of a meeting to the public, it may only be done where the Council has resolved to do so by an absolute majority.
- 14.2 Items listed within Closed Council must clearly reference the reason for the inclusion of each Closed Council item, including item for discussion and correctly identifying the relevant sub-regulation reference pursuant to sub-regulation 157(2).
- 14.3 Within the Regulations there are specific provisions that prohibit some matters being discussed in a Closed meeting.

*Regulation 175(3): Unless sub-regulation (4) applies, a Council or Council Committee must not close part of a meeting when it is –*

- a) *Acting as a Planning Authority under the Land Use Planning and Approvals Act (1993);*  
*or*
- b) *Considering whether or not to grant a permit under the Act; or*
- c) *Considering proposals for the Council to deal with public land under section 178 of the Local Government Act 1993.*

- 14.4 Within the Closed Meeting of Council, there must be a consideration of what, if any, information can be released to the public for each item discussed.
- 14.5 As per sub-regulation 4034(14)(b), there must be at least enough information in the open minutes of Council to show that the matter was discussed and a brief description of the matter. This information should include as many details of what was discussed as possible, as per sub-regulation 1517(78) which requires Council to consider whether discussions, decisions, reports or documents from that Closed Meeting are to be kept confidential or released to the public.

Generally, it would be expected that Councils could provide the voting details of closed agenda items, if not the detail of the discussion or motion itself.

- 14.6 Open minutes must not disclose confidential information meant for the closed meeting of Council (unless the Council agrees that the information can be released).

## 15. Meeting Closure

- 15.1 The duration of a meeting will not extend beyond 3.00pm without a resolution being passed by those Councillors present.

## Appendix A

### NOTICE OF MEETING

Notice is hereby given that the next meeting of the Break O'Day Council will be held at the St Helens Council Chambers on..... commencing at 10.00am.

### CERTIFICATION

Pursuant to the provisions of Section 65 of the *Local Government Act 1993*, I hereby certify that the advice, information and recommendations contained within this agenda have been given by a person who has the qualifications and/or experience necessary to give such advice, information and recommendations or such advice was obtained and taken into account in providing the general advice contained within the agenda.

[NAME]

**GENERAL MANAGER**

Date: .....

STATEMENT BY CHAIRPERSON INFORMING ALL COUNCILLORS, STAFF AND ANY PUBLIC PRESENT, THAT THE MEETING IS BEING RECORDED

### OPENING

### ACKNOWLEDGEMENT OF COUNTRY

- .../18.1.0 ATTENDANCE
- .../18.1.1 Present
- .../18.1.2 Apologies
- .../18.1.3 Leave of Absence
- .../18.1.4 Staff in Attendance
- .../18.2.0 PUBLIC QUESTION TIME
- .../18.3.0 COUNCILLOR'S QUESTIONS ON NOTICE
- .../18.4.0 COUNCILLOR'S QUESTIONS WITHOUT NOTICE
- .../18.5.0 DECLARATION OF ~~PECUNIARY~~ INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE
- .../18.6.0 CONFIRMATION OF MINUTES
- .../18.6.1 Confirmation of Minutes – Council Meeting .....
- .../18.7.0 COUNCIL WORKSHOPS HELD SINCE .....COUNCIL MEETING
- .../18.8.0 PLANNING AUTHORITY

.../18.9.0	COUNCIL MEETING ACTIONS
.../18.10.0	PETITIONS
.../18.11.0	NOTICES OF MOTION
.../18.12.0	MAYOR'S & COUNCILLOR'S COMMUNICATIONS
.../18.12.1	Mayor's Communications for Period Ending .....
.../18.12.2	Councillor's Reports for Period Ending .....
.../18.13.0	BUSINESS AND CORPORATE SERVICES
.../18.13.1	Corporate Services Department Report
.../18.13.2	Monthly Financial Report
.../18.13.3	Visitor Information Centre Report
.../18.14.0	WORKS AND INFRASTRUCTURE
.../18.14.1	Works and Infrastructure Report
.../18.14.2	Animal Control Report
.../18.15.0	COMMUNITY DEVELOPMENT
.../18.15.1	Community Services Report
.../18.16.0	DEVELOPMENT SERVICES
.../18.16.1	Development Services Report
.../18.17.0	GOVERNANCE
.../18.17.1	General Manager's Report
.../18.18.0	CLOSED COUNCIL
.../18.18.1	Confirmation of Closed Council Minutes – Council Meeting .....
.../18.18.2	Outstanding Actions List for Closed Council

## Appendix B

... COMMITTEE  
ON [DATE]  
TO BE HELD AT [VENUE]

### AGENDA

.../18.1.0	ATTENDANCE
.../18.1.0	Present
.../18.1.0	Apologies
.../18.1.0	Leave of Absence
.../18.2.0	CONFIRMATION OF MINUTES
.../18.2.1	Confirmation of Minutes – Committee Meeting .....
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.../18.4.0	.....
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.../18.8.0	GENERAL BUSINESS
.../18.9.0	MEETING CLOSE



## Appendix C

### DUTIES AND RESPONSIBILITIES OF THE CHAIR

*The Chair has a number of important duties to perform. These duties are as follows:*

- *Preside at meetings;*
- *Conduct proceedings regularly;*
- *Determine the sense of a meeting;*
- *Preserve order;*
- *Adjourn the meeting if necessary;*
- *Control the voting process;*
- *Declare the meeting closed; and*
- *Sign the minutes*

*The Chair has the authority and duty to make necessary rulings on questions of meeting procedure. [Joske's Law and Procedure at Meetings in Australia, 10<sup>th</sup> Edition, Eilis S Magner, Thomson Lawbook Co., 2007]*

**It is Council's intention to consider all agenda items on the day of a meeting. The following meeting procedures are designed to facilitate the achievement of this intention.**

#### Meeting Procedures

- Once a quorum is present, to declare the meeting open at the prescribed time.
- Make a statement advising Councillors, staff and any public present that the meeting is being recorded.
- To provide an Acknowledgement of Country.
- To call over the reports by item number (example attached).
- To identify Councillors on leave.
- To call for any apologies.
- Ask members of the public who are present whether they have any questions they would like to ask. No debate is allowed on a question and it must be provided in writing and a reply will be provided in the minutes.
- To call Councillors to advise pecuniary/conflict of interests (if any) on any of the agenda items.
- To seek a mover and seconder for confirmation of the minutes of the last meeting. The only discussion permitted on this item concerns the accuracy of the minutes as a record of proceedings. *[Joske's Law and Procedure at Meetings in Australia, 10<sup>th</sup> Edition, Eilis S Magner, Thomson Lawbook Co., 2007]*
- If there are any questions on notice, to read the title of the question and state the Councillor who asked the question and advise that a response is provided by the relevant person. **[Note:** no debate is allowed on a question on notice or the reply.]
- To call on the Councillor who has a notice of motion to move the motion and speak to it.

- To call for questions without notice (maximum four (4) per Councillor per meeting). [Note: no discussion or debate is permitted in reference to the question asked and the answer given. ~~The question and answer do not have to be listed in the minutes.~~]
- To close the meeting.
- The duration of a meeting will not extend beyond 3.00pm without a resolution being passed by those Councillors present.
- In the event that such a resolution is passed then at around 3.15pm the Chair will confirm the order or priority that the remaining items on the agenda will be considered.
- The Chair (if necessary) will then seek Councillors to move and second a formal motion that consideration of any remaining agenda items will be adjourned to a date and time as fixed by the meeting or to be determined by the General Manager.

#### Maintaining Order

In terms of running the meeting for debates on the items reserved, the following points should be noted:

- The Councillor who has reserved an item should be invited to briefly state why it has been withdrawn. However, if the Councillor is not prepared to move the recommendation as presented in the report provided, the Chair will in the first instance, seek a Councillor who is prepared to move the recommendation as presented in the report provided.
- The mover of the recommendation may speak for not more than five (5) minutes.
- The mover of the recommendation has the right of reply for up to three (3) minutes and is not to introduce any new information in exercising that right.
- A Councillor who moves a motion loses the right of reply if a motion “that the motion be put” is passed.
- The Chair will then seek a Councillor who is prepared to second the recommendation as presented in the report provided.
- The seconder of the recommendation may speak for not more than five (5) minutes.
- A motion will lapse if it is not seconded at the appropriate time.
- A Councillor in addressing a Council Meeting is not to digress from the subject under discussion.
- If the Chair is unable to find Councillors who are prepared to move and second the recommendation as presented in the report provided, with or without minor variation, the Chair will seek a Councillor who wishes to move an alternative motion.
- The Chair may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the Council or Council Committee (as the case may be).
- A Councillor may only speak once to a motion except –
  - a) To provide a brief explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or
  - b) With leave of the meeting; or
  - c) As the mover in reply.

- Once a motion has been voted on (see “Voting” below), and is LOST, a new motion regarding the same agenda item may be moved (that may be substantially different to the previous motion just lost).

#### Amendments

- A Councillor who has moved or seconded a motion may not, at a later stage of the debate, move or second an amendment to the motion.
- A Councillor who has not moved or seconded the motion at an earlier stage of the debate may move or second an amendment to the motion. **[Note:** An amendment is not a new motion and cannot be a direct negative of the motion on the floor. Rather it must be relevant to the motion on the floor (and therefore, must relate to the substance or it) and can only seek to modify it by adding to or deleting from the motion, without negating it.]
- When an amendment is moved and seconded the debate is on the subject matter of the amendment.
- A Councillor who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.
- A Councillor has up to five (5) minutes to talk to the amendment after which the Chair will seek a member to second the amendment. An amendment will lapse if it is not seconded at that time.
- If the amendment is defeated then the debate returns to the original motion and only one further (second) amendment may be moved to the original motion.
- If the (second) amendment is defeated then the original motion must then be decided.
- If an amendment is carried, the amended motion may be subject to one (1) further amendment.
- Once an amendment (and second amendment where applicable) is carried, the amendment becomes the motion which must then be put to the vote in its own right. **[Note:** The effect, therefore, is that where the meeting votes in favour of an amendment it is then required to vote on it for a second time as the substantive motion. The usual course is for the whole original motion, as amended by the amendment, to be put to the vote as the amendment and then, where carried, to be put to the vote again as the substantive motion.]
- An amendment which calls for a further report and/or additional information should include a statement as to what additional information is required.

#### Variations

- The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.
- The Chair must immediately put the question for leave to be granted and no debate will be allowed on that question.
- If the Chair gets an indication that at least two thirds of the Councillors are in favour of granting leave, leave is to be granted (ie a formal vote is not required – just require general consensus).



### Conduct of Debate

*The purpose of debate is to allow members to state relevant facts and express their views on the business before the meeting. The objective is that the decision reached at the meeting will be an informed one. Controlling the conduct of debate and the progress of the meeting are the major responsibilities of the Chair. [Joske's Law and Procedure at Meetings in Australia, 10<sup>th</sup> Edition, Ellis S Magner, Thomson Lawbook Co., 2007]*

- It should be particularly noted that a Councillor must not speak for longer than five (5) minutes at any one time.
- This can only be extended by the leave of the meeting. If the Chair gets an indication that at least two thirds of the Councillors are in favour of granting leave, leave is to be granted ie a formal vote is not required – just general consensus). The Chair does not have discretion to allow an extension.
- Elected Councillors wishing to speak should raise their hands and be recognised by the Chair. It is desirable to have alternate speakers for and against the motion and for second and subsequent speakers to confine discussion to information or details not adequately covered by previous speakers. These principles do not in any way take away a Councillors right to speak.
- If a Councillor seeks to ask a question it is important that the Councillor does not make a speech before or after the question, but asks the question straight away. The Chair must ensure that a member only speaks once to a motion and should rule the member out of order if in asking a question a further speech is being made.

### Voting

*The common method of voting is by show of hands; that is "by counting the persons present who are entitled to vote and who choose to vote by holding up their hands". [Joske's Law and Procedure at Meetings in Australia, 10<sup>th</sup> Edition, Ellis S Magner, Thomson Lawbook Co., 2007]*

- The Chair will, in taking a vote, ask for the votes of those Councillors in favour of the question and then for the votes of those Councillors against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- A Councillor who is not in his or her seat is not permitted to vote.

### Suspension of Meeting Procedures

- If the Chair considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of the regulations for a period of time in order to allow or facilitate informal discussions, the Chair will seek an indication that at least two thirds of the Councillors present at the meeting are in favour of suspending the operation of the regulations for a period determined by the Chair eg the issue could be clarified by some informal discussion for a period of ten (10) minutes.

- Council has resolved that in the interest of Councillors health, the Chair of the meeting is encouraged to exercise his/her discretion and suspend the operation of the regulations to enable a suitable break to be taken, as far as is practicable, to allow Councillors to stand up and move about thereby restoring their energy and circulation.
- If a suspension occurs –
  - a) A note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
  - b) The period of suspension should be limited to achieving the purpose for which it was declared; and
  - c) The period of suspension will come to an end if –
    - The Chair determines that the period should be brought to an end; or
    - At least two thirds of the Councillors present at the meeting resolve that the period should be brought to an end.

#### Points of Order

- The Chair may call to order a Councillor who is in breach of the Act, the regulations or these procedures.
- A Councillor may draw to the attention of the Chair a breach of the Act, the regulations or these procedures, and must state briefly the nature of the alleged breach and the section of the Act, regulation or these procedures which has been contravened.
- A point of order takes precedence over all other business until determined.
- The Chair will rule on a point of order.

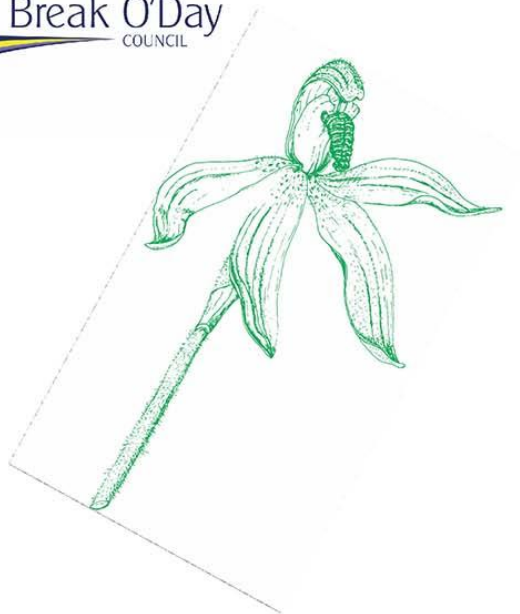
#### Interruption of a Meeting by Councillors

- A Councillor must comply with the Code of Conduct at all times.
- A Councillor must not, while at a meeting –
  - a) Behave in an improper or disorderly manner; or
  - b) Cause an interruption or interrupt another Councillor who is speaking.
- If the Chair considers that a Councillor during a meeting may have acted in contravention of the regulations or Council's Code of Conduct or these procedures the Councillor must be allowed to make a personal explanation.

#### Interruption of a Meeting by Others

- A member of the public who is present at a meeting must not –
  - a) Behave in a disorderly manner; or
  - b) Cause an interruption. Maximum penalty: \$500.

**Any queries regarding these Meeting Procedures should be directed to the General Manager in the first instance.**



# COUNCIL MEETING AGENDA

Monday (Date)  
Council Chambers, St Helens

General Manager  
Break O'Day Council  
(Date)

from the **mountains** to the **sea** | [www.bodc.tas.gov.au](http://www.bodc.tas.gov.au)





## NOTICE OF MEETING

Notice is hereby given that the next meeting of the Break O' Day Council will be held at the St Helens Council Chambers on Monday [date/month/year] commencing at 10.00am.

### CERTIFICATION

Pursuant to the provisions of Section 65 of the *Local Government Act 1993*, I hereby certify that the advice, information and recommendations contained within this Agenda have been given by a person who has the qualifications and / or experience necessary to give such advice, information and recommendations or such advice was obtained and taken into account in providing the general advice contained within the Agenda.

### GENERAL MANAGER

Date:

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## AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

All ordinary meetings, special meetings and annual general meetings will be live streamed using audio/visual technology. The audio/visual recording of Council Meetings will be published for 12 months and will be retained for 2 years.

Other than an official Council recording, no video or audio recording of proceedings of Council Meetings shall be permitted without specific approval by resolution of the Meeting.

The streaming platform utilised for recording and streaming is setup specifically for Break O'Day Council and Council has full control of which meetings are streamed or uploaded for viewing. There is no ability for the public to comment, edit or download recordings in anyway. They can only be viewed via the Council link.

Participation in person at the Council Meeting is considered as providing your consent to livestreaming of that meeting.

| *In accordance with the Local Government Act 1993 and Regulation ~~33~~ 43 of the Local Government (Meeting Procedures) Regulations 2025, these audio files will be published on Council's website for 12 months and be retained for two (2) years. The written minutes of a meeting, once confirmed, prevail over the audio recording of the meeting and a transcript of the recording will not be prepared.*

## OPENING & INTRODUCTION

*The Mayor to welcome Councillors and staff and declare the meeting open at 10.00am.*

*This meeting is conducted in accordance with the Local Government Act 1993 and Local Government Meeting Procedures Regulations 2025. All Councillors are reminded of their obligation to act in the best interests of the community and to declare any interest in matters to be discussed.*

## ACKNOWLEDGEMENT OF COUNTRY

*We acknowledge the Traditional Custodians of the land on which we work and live, the Palawa people of this land Tasmania, and recognise their continuing connection to the lands, skies and waters. We pay respects to the Elders Past, present and future.*

## LIVE AUDIO/VISUAL STREAMING OF COUNCIL MEETINGS

*Ladies and gentlemen, I would like to advise you that today's Council Meeting is being live streamed and recorded. This means that members of the public who are unable to attend in person can still observe the proceedings. By remaining in this chamber, you are consenting to being filmed and recorded. Please be mindful of your actions and contributions as they will be visible to the public. Thank you for your cooperation.*

## 0/25.1.0 ATTENDANCE

### 0/25.1.1 Present

Mayor Mick Tucker  
Deputy Mayor Kristi Chapple  
Councillor Gary Barnes  
Councillor Ian Carter  
Councillor Janet Drummond  
Councillor Liz Johnstone  
Councillor Barry LeFevre  
Councillor Vaughan Oldham  
Councillor Kylie Wright

### 0/25.1.2 Apologies

Nil

### 0/25.1.3 Leave of Absence

### 0/25.1.4 Staff in Attendance

General Manager, John Brown  
Administration & Governance Support Officer, Linda Singline

## 0/25.2.0 PUBLIC QUESTION TIME

In accordance with Regulations 33 - 38 of the Local Government (Meeting Procedures) Regulations 2025, questions—whether from members of the public or Councillors—must relate to the functions or activities of Council and must not be defamatory, offensive, or disrupt the orderly conduct of the meeting.

A question asked at a meeting is to:

Be concise; and

Be clear; and

Not be a statement; and

Have minimal preamble

General statements are not permitted during question time.

Members of the public and councillors may ask up to four (4) questions per meeting. The Chairperson reserves the right to refuse a question, in accordance with the Regulations. If a question is refused, the reason will be stated and recorded in the minutes.

| 0/25.1.1

Present

6



#### 0/25.2.1

### 0/25.3.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil

### 0/25.4.0 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Regulation [29-34](#) of the Local Government (Meeting Procedures) Regulations 2025 specifies that in putting a Question Without Notice a Councillor must not offer an argument or opinion, draw any inference or make any imputations except so far as may be necessary to explain the question.

The Chairperson must not permit any debate of a Question without Notice or its answer.

### 0/25.5.0 DECLARATION OF INTERESTS OF A COUNCILLOR OR CLOSE ASSOCIATE

Section 48 or 55 of the Local Government Act 1993 requires that a Councillor or Officer who has an interest in any matter to be discussed at a Council Meeting that will be attended by the Councillor or Officer must disclose the nature of the interest in a written notice given to the General Manager before the meeting; or at the meeting before the matter is discussed.

A Councillor or Officer who makes a disclosure under Section 48 or 55 must not preside at the part of the meeting relating to the matter; or participate in; or be present during any discussion or decision making procedure relating to the matter, unless allowed by the Council.

### 0/25.6.0 CONFIRMATION OF MINUTES

#### 0/25.6.1 Confirmation of Minutes – Council Meeting [date]

#### OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the [date] be confirmed.

### 0/25.7.0 COUNCIL WORKSHOPS HELD SINCE [date] COUNCIL MEETING

There was a workshop held [date] and the following items were listed for discussion.

### 0/25.8.0 PLANNING AUTHORITY



Pursuant to ~~Section-Regulation 25-29~~ of the Local Government (Meeting Procedures) Regulations 2025 the Mayor informed the Council that it was now acting as a Planning Authority under the Land Use Planning and Approvals Act 1993.

#### 0/25.8.1

The Mayor advised the Council that it had now concluded its meeting as a Planning Authority under ~~Section-Regulation 2925~~ of the Local Government (Meeting Procedures) Regulations 2025.

0/25.9.0 COUNCIL MEETING ACTIONS  
0/25.9.1 Outstanding Matters

## 0/25.10.0 PETITIONS

Nil

## 0/25.11.0 NOTICES OF MOTION

*A motion may be set aside by the Chairperson to be considered at a subsequent meeting, in accordance with Regulation 18 of the Local Government (Meeting Procedures) Regulations 2025*

### MOTION:

*A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:*

### SUBMISSION IN SUPPORT OF MOTION:

## 0/25.12.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

### 0/25.12.1 Mayor's Communications for Period Ending [date]

		–
		–
		–
		–
		–
		–

### 0/25.12.2 Councillor's Reports for Period Ending [date]

*This is for Councillors to provide a report for any Committees they are Council Representatives on and will be given at the Council Meeting.*

- Break O'Day Chamber of Commerce and Tourism –
- NRM Special Committee –
- East Coast Tasmania Tourism (ECTT) –
- Mental Health Action Group –
- Access and Inclusion Advisory Committee –
- Bay of Fires Master Plan Steering Committee –

| 0/25.12.1

Mayor's Communications for Period Ending [date]

10

## 0/25.13.0 BUSINESS AND CORPORATE SERVICES

### 0/25.13.1 Corporate Services Department Report

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	
FILE REFERENCE	018\018\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

#### OFFICER'S RECOMMENDATION:

That the report be received.

#### INTRODUCTION:

The purpose of this report is to provide Councillors with an update on activities of the Business and Corporate Service Department since the previous Council Meeting.

#### PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

#### OFFICER'S REPORT:

#### Rates Summary - [date]

			[Current Financial Year	[Last Financial Year]
	%	\$	%	\$
<b>Rates Brought Forward</b>				
Outstanding Rate Debtors				
Less Rates in Credit				
<b>Net Rates Outstanding at 30 June</b>				
Rates and Charges Levied				
Interest and Penalty Charged				
<b>Total Rates and Charges Demanded</b>				
Less Rates and Charges Collected				
Less Credit Journals and Supp Credits				
Remissions and Discount				

Unpaid Rates and Charges 7  
December


Remissions and Discounts  
Early Payment Discount  
Pensioner Rebates

	C[Current Financial Year]	[Last Financial Year]

Number Rateable Properties  
Number Unpaid Rateable Properties

% Not fully paid

Right to Information (RTI) Requests

Nil

132 and 337 Certificates

	132	337

Debtors/Creditors @  
[Date]

**DEBTORS INFORMATION**  
Invoices Raised

Current			Previous Year	
Month	Mth Value	YTD [Current Financial Year]	Month	YTD [Last Financial Year]

**CREDITORS INFORMATION**  
Payments Made

Current Previous Year

Month	Mth Value	YTD [Current Financial Year]	Month	YTD [Last Financial Year]

#### STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

##### Goal

Services – To have access to quality services that are responsive to the changing needs of the community and lead to improved health, education and employment outcomes.

##### Strategy

- Work collaboratively to ensure services and service providers are coordinated and meeting the actual and changing needs of the community.
- Ensure Council services support the betterment of the community while balancing statutory requirements with community and customer needs.

#### LEGISLATION & POLICIES:

N/A

#### BUDGET AND FINANCIAL IMPLICATIONS:

N/A

#### VOTING REQUIREMENTS:

Simple Majority



ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	
FILE REFERENCE	018\018\001\
ASSOCIATED REPORTS AND DOCUMENTS	Financial Reports

**OFFICER'S RECOMMENDATION:**

That the following reports for the month ending [date] be received:

1. Profit and Loss Statements
2. Balance Sheet
3. Statement of Cash Flows
4. Capital Works 2024-2025

**INTRODUCTION:**

Presented to Council are the monthly financial statements.

**PREVIOUS COUNCIL CONSIDERATION:**

Council considers financial reports on a monthly basis.

**OFFICER'S REPORT:**

The financial statements as shown below show the financial position of Council as at [date].

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	
FILE REFERENCE	040\028\002\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

**OFFICER'S RECOMMENDATION:**

That the report be received.

**INTRODUCTION:**

The purpose of this report is to provide Councillors with an update on the activities and services the delivered by the Visitor Information Centre since the previous Council Meeting.

**PREVIOUS COUNCIL CONSIDERATION:**

Provided as a monthly report – Council consideration at previous meetings.

**OFFICER'S REPORT:****STRATEGIC PLAN & ANNUAL PLAN:**

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Economy - To foster innovation and develop vibrant and growing local economies which offer opportunities for employment and development of businesses across a range of industry sectors.

Strategy

Create a positive brand which draws on the attractiveness of the area and lifestyle to entice people and businesses' to live and work in BOD.

**LEGISLATION & POLICIES:**

N/A

**BUDGET AND FINANCIAL IMPLICATIONS:**

N/A

**VOTING REQUIREMENTS:**

Simple Majority

## 0/25.14.0 WORKS AND INFRASTRUCTURE

### 0/25.14.1 Works and Infrastructure Report

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	
FILE REFERENCE	014\002\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

#### OFFICER'S RECOMMENDATION:

That the report be received by Council.

#### INTRODUCTION:

This is a monthly summary update of the works undertaken through the Works and Infrastructure Department for the previous month and a summary of the works proposed for the coming month, and information on other items relating to Council's infrastructure assets and capital works programs.

#### PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

#### OFFICER'S REPORT:

#### STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

##### Goal

Infrastructure - To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors.

##### Strategy

- Be proactive infrastructure managers by anticipating and responding to the growing and changing needs of the community and the area.
- Work with stakeholders to ensure the community can access the infrastructure necessary to maintain their lifestyle.
- Develop and maintain infrastructure assets in line with affordable long-term strategies.

#### LEGISLATION & POLICIES:

N/A

**BUDGET AND FINANCIAL IMPLICATIONS:**

N/A

**VOTING REQUIREMENTS:**

Simple Majority.

ACTION	INFORMATION
PROPONENT	
OFFICER	
FILE REFERENCE	003\003\018\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

**OFFICER'S RECOMMENDATION:**

That the report be received by Council.

**INTRODUCTION:**

This is a monthly update for animal control undertaken since the last meeting of Council.

**PREVIOUS COUNCIL CONSIDERATION:**

Provided as a monthly report – Council consideration at previous meetings.

**OFFICER'S REPORT:****STRATEGIC PLAN & ANNUAL PLAN:**

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Environment - To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

Strategy

Ensure the necessary regulations and information is in place to enable appropriate use and address inappropriate actions.

**LEGISLATION & POLICIES:**

- *Dog Control Act 2000*
- *EP05 Dog Management Policy*

**BUDGET AND FINANCIAL IMPLICATIONS:**

N/A

**VOTING REQUIREMENTS:**

Simple Majority

## 0/25.15.0 COMMUNITY DEVELOPMENT

### 0/25.15.1 Community Services Report

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	
FILE REFERENCE	011\034\006\
ASSOCIATED REPORT AND DOCUMENTS	Nil

#### OFFICER'S RECOMMENDATION:

That the report be received.

#### INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various activities which are being dealt with by the Community Services Department.

#### PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

#### OFFICER'S REPORT:

##### 2024 - 2025 Programs and Initiatives

#### STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

##### Goal

Community - To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued.

##### Strategy

- Build community capacity by creating opportunities for involvement or enjoyment that enable people to share their skills and knowledge.
- Foster a range of community facilities and programs which strengthen the capacity, wellbeing and cultural identity of our community.

#### LEGISLATION & POLICIES:

N/A



**BUDGET AND FINANCIAL IMPLICATIONS:**

N/A

**VOTING REQUIREMENTS:**

Simple Majority

## 0/25.16.0 DEVELOPMENT SERVICES

### 0/25.16.1 Development Services Report

ACTION	INFORMATION
PROPONENT	Department
OFFICER	
FILE REFERENCE	031\013\003\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

#### OFFICER'S RECOMMENDATION:

That the report be received.

#### INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various activities which have been dealt with by the Development Services Department since the previous Council meeting.

#### PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

#### OFFICER'S REPORT:

#### KEY DEPARTMENT STRATEGIC OR OPERATIONAL MATTERS

#### PUBLIC HEALTH REPORT

##### Recreational Water Quality

The *Public Health Act 1997* requires that Councils to monitor recreational waters (including public pools and spars) using the Tasmanian Recreational Water Quality Guidelines. Monitoring is conducted monthly during the warmer months to test faecal contamination.

The 2021-2022 sampling season has now ended. Results for water samples last season indicated conditions at the ten waters monitored were safe for swimming according to the Tasmanian Recreational Water Quality Guidelines.

All natural waters may be subject to local poorer water quality from time to time due to weather or other conditions.

##### Immunisations

The *Public Health Act 1997* requires that Councils offer immunisations against a number of diseases. The following table provides details of the rate of immunisations provided by Council through its school immunisation program.

MONTH [P]	[Current Financial Year]		[Previous Financial Year]	
	Persons	Vaccinations	Persons	Vaccinations
July - December				
January - June				
TOTAL				

**Sharps Container Exchange Program as at [date]**

Current Year	Previous Year
YTD [Current Financial Year]	YTD [Last Financial Year]

**STRATEGIC PLAN & ANNUAL PLAN:**

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Environment – To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

Strategy

- Ensure the necessary regulations and information is in place to enable appropriate use and address inappropriate actions.
- Undertake and support activities which restore, protect and access the natural environment which enables us to care for, celebrate and enjoy it.

**LEGISLATION & POLICIES:**

N/A

**BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

N/A

**VOTING REQUIREMENTS:**

Simple Majority

**0/25.17.0****GOVERNANCE****0/25.17.1****General Manager's Report**

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	
FILE REFERENCE	002\012\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

**OFFICER'S RECOMMENDATION:**

That the General Manager's report be received.

**INTRODUCTION:**

The purpose of this report is to provide Councillors with an update of various matters which are being dealt with by the General Manager and with other Council Officers where required.

**PREVIOUS COUNCIL CONSIDERATION:**

Provided as a monthly report – Council consideration at previous meetings.

**OFFICER'S REPORT:****Meeting and Events attended:**

		–
		–
		–
		–
		–
		–
		–
		–
		–
		–
		–

**Meetings & Events Not Yet Attended:**

		–
		–
		–
		–
		–

		–
		–
		–
		–
		–

General – The General Manager held regular meetings with Departmental Managers and individual staff when required addressing operational issues and project development. Meetings with community members included

**Brief Updates:**

**Communications Report**

TOPIC	ACTIVITY	PROGRESS
		•
		•
		•

**Actions Approved under Delegation:**

NAME/DETAILS	DESCRIPTION OF USE OF DELEGATION	DESCRIPTION	DELEGATION NO / ACT

**General Manager's Signature Used Under Delegation for Development Services:**

DATE	DOCUMENT	ADDRESS	PID OR DA

| 0/25.17.1

General Manager's Report

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**BUDGET AND FINANCIAL IMPLICATIONS:**

N/A

**VOTING REQUIREMENTS:**

Simple Majority

Pursuant to Regulation ~~17.15~~(1) of the Local Government (Meeting Procedures) Regulations 2025 that Council move into Closed Council.

## IN CONFIDENCE

### 0/25.18.0 CLOSED COUNCIL

In accordance with Regulation 43 of the Local Government (Meeting Procedures) Regulations 2025, audio recordings of Closed Council meetings must be made but are not to be published.  
These recordings will be stored securely and kept separate from public recordings, in line with confidentiality requirements.

### 0/25.18.2 Confirmation of Closed Council Minutes – Council Meeting [date]

#### OFFICER'S RECOMMENDATION:

That the minutes of the Closed Council Meeting held on the [date] be confirmed.



| Pursuant to Regulation ~~17~~<sup>5</sup>(1) of the Local Government (Meeting Procedures) Regulations 2005 that Council move out of Closed Council.

**0/25.19.0      MEETING CLOSED**

Mayor Tucker thanks everyone for their attendance and declared the meeting closed at ...pm.

.....  
**MAYOR**

.....  
**DATE**

<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	Council
<b>OFFICER</b>	John Brown, General Manager Dilara Bedwell, Economic Development & Project Officer
<b>FILE REFERENCE</b>	004\001\001\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	Submissions Agenda and Minute – April 2005 Council Meeting – Public Land Register

**OFFICER'S RECOMMENDATION:**

That Council, by absolute majority:

1. Having:
  - a. Given notice of its intention to remove the land on which the St Helens Aerodrome is located contained within Certificate of Titles (112855/1, 18671/2, 214209/1, 223471/1, 148076/1 and 45005/2) from the Public Land Register ("the property") in accordance with section 178(4) of the Local Government Act 1993 (Tas);
  - b. Read and considered every objection lodged, as contained in attachment 1 received from Anna Povey, Peter Dane, Bill Manning, Graeme Beech, Graeme Wathen, Todd Dudley (North East Bioregional Network), Jenny Jobling and Michael Kerans and summarised in the table included in this report; and
  - c. Received and considered qualified advice in the Council Officer's report and recommendations, which includes analysis of the objections lodged,

Council:

- a. Determines that the removal of the property from the Public Land Register is not contrary to the public interest in that:
    - i. The community will not suffer undue hardship due to the loss of access to, and the use of, the property; and
    - ii. There is similar land available to that which the property represents; and
2. Resolve pursuant to Section 178 (6) of the Act that Council provide notice in writing within 7 days after making a decision, advise all persons who lodged an objection of the decision and the right to appeal against that decision under section 178A.
3. If the General Manager does not receive an appeal under Section 178A, the General Manager shall amend the Public Land Register and remove the land on which the St Helens Aerodrome is located contained within Certificate of Titles (112855/1, 18671/2, 214209/1, 223471/1, 148076/1 and 45005/2) from the Public Land Register maintained pursuant to the Act.

**(Council officers are currently awaiting advice from Council's solicitors regarding the incorrect inclusion of this property on the Public Land Register and this may impact on the decision Council will need to make)**

## INTRODUCTION:

A number of representations have been received with regard to the removal of the Aerodrome from the public land register. This report outlines those representations covering the key areas of concern and assessing against the criteria in Section 178 of the Local Government Act. Upon further legal investigation, it has been found that the Aerodrome was in fact not listed as public land. A meeting to discuss the public land register was held in April 2005 where the decision was clearly stated that the Aerodrome not be listed on the Public Land Register. We are expecting further legal advice on this matter which may affect the recommendation.

## PREVIOUS COUNCIL CONSIDERATION:

### Council Meeting 16 June 2025

#### 09/23.17.4 Public Land List- St Helens Aerodrome

Moved: Clr K Chapple/ Seconded: Clr B LeFevre

That Council:

Resolve pursuant to Section 178 of the Local Government Act 1993 ("the Act") that Council by absolute majority commence proceedings to remove the land on which the St Helens Aerodrome is located contained within Certificate of Titles (112855/1, 18671/2, 214209/1, 223471/1, 148076/1 and 45005/2) from the Public Land list maintained pursuant to the Act and

1. Authorise the General Manager to publish the intention to remove the aerodrome from the Public Land list and display a copy of the notice on any boundary of the public land that abuts a highway and notify the public that objection to the proposed removal from the register may be made to the General Manager within 21 days of the date of the first publication.
2. Authorise the General Manager to consider and acknowledge any objection received pursuant to Section 178 (6) of the Act and report to a future Council meeting 3. If the General Manager does not receive any objection under Section 178 subsection (4) and an appeal is not made under Section 178A, the General Manager will amend the Public Land list to remove the land contained within Certificate of Titles (112855/1, 18671/2, 214209/1, 223471/1, 148076/1 and 45005/2)

## CARRIED UNANIMOUSLY

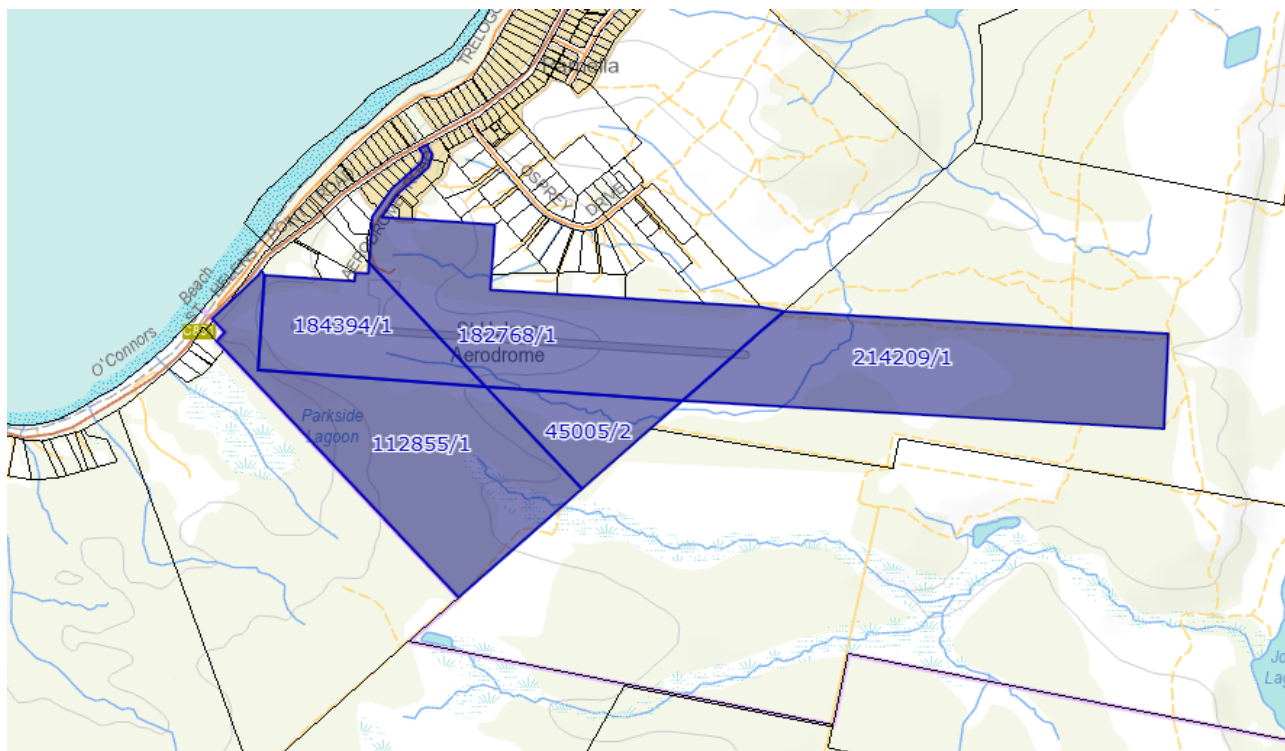
## OFFICER'S REPORT:

Investigations were undertaken by Council Officers as to how and when this piece of land was added to the Public Land Register as it did not meet the legislative requirements as "Public Land" under S177A of the Local Government Act 1993. Through this thorough investigation of previous Council decisions it has been found that there has been no decision made for this land to be added to the Public Land Register. As can be seen in the attached agenda and minute from the Council Meeting in April 2005 (which was the last time this register has been presented to Council) it clearly states what land was to be added to the register and also included an attachment of what land does not form part of the Public Land Register, the Aerodrome property has been marked in a red square to make it easier to identify. This information along with any other decisions found have all been sent



to Councils Solicitor for advice which we are currently waiting to receive. Therefore, it is in the opinion of Council Officers without the formal legal advice that this land has been added to the register in error.

In the meantime, Council Officers have been addressing the legislated requirements of Section 178(4) of the Local Government Act 1993 (“the Act”) including considering the objections received. Pursuant to Section 178(4) of the Act, Council published the Notice of intention to remove the land from the public land register on two separate occasions in the Examiner, displayed a copy of the notice on the boundary of St Helens Aerodrome and notified the public that objections to the proposal may be made to the General Manager within 21 days of the date of the first publication.



Titles published in public notification	Current Existing titles	Notes
112855/1	112855/1	
18671/2	N/A	No longer exists
214209/1	214209/1	
223471/1	182768/1	Historical title
148076/1	184394/1	Historical title
45005/2	45005/2	

### Consideration of Objections and s.178A of the Act

The Economic Development Officer has carefully reviewed the objections and addressed them in Table 1, with particular regard to whether the objections identify any basis for the Council to conclude that the removal of the land from the public land register would be contrary to the public interest for the reasons outlined in the two limbs of Section 178A (3) of the Act, which are the following:

1. The community may suffer undue hardship due to the loss of access to, and the use of, the public land; or
2. There is no similar facility available to the users of that facility.

Council Officers maintain that the proposal is purely an administrative reclassification under the Local Government Act and will not change the current use of the land, cause environmental degradation, or result in the loss of conservation values. The Council Officer emphasises that any future development would still be subject to the Tasmanian Planning Scheme and biodiversity codes, and that there are currently no planned works that would impact ecological values. The Council officer notes that essential services, including the Royal Flying Doctor Service, will continue unaffected, and that the aerodrome remains restricted airspace for safety reasons. The Council officer believes the reclassification will not cause the community undue hardship.

# REMOVAL FROM PUBLIC LAND LIST- ST HELENS AERODROME – CONSIDERATION OF OBJECTIONS

OBJECTOR NAME	THEME / SUMMATION	CONCERN / SUPPORT	SECTION 178 ASSESSMENT	COUNCIL RESPONSE TO REPRESENTATION
<b>Anna Povey</b>	Opposes removal of public land status due to high ecological, hydrological, and recreational value. Emphasises natural values, lagoon catchments, and public enjoyment.	Strong concern: Land supports threatened flora and fauna (e.g. <i>Conospermum hookeri</i> ), wet heathlands protect Chimneys & Jocks Lagoons (Ramsar), and it's valued for informal recreation and wildlife viewing. Removal would facilitate damaging development and result in irreversible environmental harm.	<p>✗ <b>178(3)(a):</b> No significant loss of community recreation.</p> <p>✗ <b>178(3)(b):</b> Limited loss of recreational opportunity and there are much larger areas of conservation nearby and recreational activity occurs extensively on private land surrounding the aerodrome. There are large land areas of similar ecological structure in St Helens conservation area- these are available to the public and have connectivity in terms of the public being able to access it.</p>	No loss of passive recreation of environmental degradation. This is simply a reclassification of property under the Local Government Act and does not affect the use of the land or its ecological protection. Future development will be subject to the provisions of the Tasmanian Planning Scheme and relevant codes including biodiversity.
<b>Bill Manning</b>	Raises legal and procedural concerns around the fragmentation of State Reserve and absence of a Management Plan.	Strong concern: No expert ecological assessment has occurred. Council lacks expertise and is not following statutory obligations tied to reserved land. Removal risks fragmentation of	<p>✗ <b>178(3)(a):</b> No significant community hardship or any loss of ecosystems.</p> <p>✗ <b>178(3)(b):</b> There are large land areas of similar ecological structure in St Helens</p>	No loss of key conservation land. This is simply a reclassification of property under the Local Government Act and does not affect the use of the land or its ecological

OBJECTOR NAME	THEME / SUMMATION	CONCERN / SUPPORT	SECTION 178 ASSESSMENT	COUNCIL RESPONSE TO REPRESENTATION
		conservation land without a clear management framework.	conservation area- these are available to the public and have connectivity in terms of the public being able to access it.	protection. Potentially confusing the reservation status of the land with the Nature Conservation Act (includes State Reserves). Future development will be subject to the provisions of the Tasmanian Planning Scheme and relevant codes including biodiversity.
<b>Graeme Beech</b>	Frames objection in context of 2024 Tasmanian State of Environment Report. Argues local government has duty to protect natural assets.	Strong concern: Removal undermines Council's environmental responsibilities. Land includes key threatened species, intact coastal vegetation, and serves as a biolink. Development will degrade biodiversity and community amenity.	<p>✗ <b>178(3)(a):</b> No significant loss to community amenity or any loss of biodiversity.</p> <p>✗ <b>178(3)(b):</b> The aerodrome land and the habitat/ecological values on the aerodrome land have no connectivity except over private land which is not available to the public. There are large land areas of similar ecological structure in St Helens conservation area- these are available to the public and have connectivity in terms of the public being able to access it.</p>	Future development will be subject to the provisions of the Tasmanian Planning Scheme and relevant codes including biodiversity. There are no planned development works which impact conservation values.

OBJECTOR NAME	THEME / SUMMATION	CONCERN / SUPPORT	SECTION 178 ASSESSMENT	COUNCIL RESPONSE TO REPRESENTATION
Graeme Wathen	Concerned about lack of justification and transparency. Believes Council is acting without public mandate or adequate rationale.	Moderate concern: No public rationale or clear proposal has been made. Process lacks transparency and invites perceptions of backroom dealing.	<p>✗ <b>178(3)(a):</b> Council are required to follow procedures as per the Local Government Act and procedural hardships are not part of any undue hardships.</p> <p>✗ <b>178(3)(b):</b> No facilities discussed — focus is on governance, not use.</p>	Council has followed Local Government Act procedures regarding the classification of Council's property. Council have publicly discussed the intention and followed Local Government Act procedures.
Jenny Jobling	Strongly objects based on transparency, environmental risk, and impact on emergency services.	Strong concern: Removing land from register allows future disposal without public scrutiny. Threat to threatened species, lagoon catchments, and community access to RFDS/emergency aviation services. Council has failed to consult genuinely.	<p>✗ <b>178(3)(a):</b> Council are required to follow procedures as per the Local Government Act and procedural hardships are not part of any undue hardships.</p> <p>✗ <b>178(3)(b):</b> The aerodrome land and the habitat/ecological values on the aerodrome land have no connectivity except over private land which is not available to the public. There are large land areas of similar ecological structure in St Helens conservation area- these are available to the public and have</p>	Community will not face undue hardship as a result of the removal. Essential services will remain operational such as the Royal Flying Doctor Service and other aviation services using the aerodrome. It will continue to operate as normal.

OBJECTOR NAME	THEME / SUMMATION	CONCERN / SUPPORT	SECTION 178 ASSESSMENT	COUNCIL RESPONSE TO REPRESENTATION
			connectivity in terms of the public being able to access it.	
<b>Michael Kerans</b>	Challenges misleading nature of Council notice and outlines significant ecological and public health risks.	Strong concern: Lack of full disclosure about planned development and total land area involved. Land acts as buffer for residential areas and Georges Bay; loss raises contamination and environmental risk.	<p>✗ <b>178(3)(a):</b> Council are required to follow procedures as per the Local Government Act and procedural hardships are not part of any undue hardships.</p> <p>✗ <b>178(3)(b):</b> The aerodrome land and the habitat/ecological values on the aerodrome land have no connectivity except over private land which is not available to the public. There are large land areas of similar ecological structure in St Helens conservation area- these are available to the public and have connectivity in terms of the public being able to access it.</p>	Future development will be subject to the provisions of the Tasmanian Planning Scheme and relevant codes including biodiversity. There are no planned development works which impact conservation values.
<b>Peter Dane</b>	Focuses on ecological and connectivity values of the land. Objects to removal	Strong concern: Land supports habitat for threatened species and functions as an ecological corridor between bushland areas. Also	✓ <b>178(3)(a):</b> Loss of key conservation land would undermine environmental	No loss of key conservation land. This is simply a reclassification of property under the Local



OBJECTOR NAME	THEME / SUMMATION	CONCERN / SUPPORT	SECTION 178 ASSESSMENT	COUNCIL RESPONSE TO REPRESENTATION
	based on environmental importance.	supports wetlands of regional significance.	integrity of wider area which qualifies as public use of land. <b>✗ 178(3)(b):</b> The aerodrome land and the habitat/ecological values on the aerodrome land have no connectivity except over private land which is not available to the public. There are large land areas of similar ecological structure in St Helens conservation area- these are available to the public and have connectivity in terms of the public being able to access it.	Government Act and does not affect the use of the land or its ecological protection. Future development will be subject to the provisions of the Tasmanian Planning Scheme and relevant codes including biodiversity. There are no planned development works which impact conservation values.
<b>Todd Dudley (NEBN)</b>	Criticises lack of transparency, legal inconsistencies, and undervaluing of conservation land for private benefit.	Strong concern: Council has failed to provide accurate maps or justification for removal. Ecological values are well-documented (old-growth trees, wetlands, threatened species). Claims process is being driven for developer convenience, not public interest.	<b>✗ 178(3)(a):</b> Community does not suffer from procedural injustice and loss of vital conservation assets as Council have followed procedures in the Local Government Act. <b>✗ 178(3)(b):</b> The aerodrome land and the habitat/ecological values on the aerodrome land have no connectivity except over private land which is not	The aerodrome is a restricted property from an aviation safety point of view and is controlled airspace. This is simply a reclassification of property under the Local Government Act and does not affect the use of the land or its ecological protection. There are no planned development works

OBJECTOR NAME	THEME / SUMMATION	CONCERN / SUPPORT	SECTION 178 ASSESSMENT	COUNCIL RESPONSE TO REPRESENTATION
			available to the public. There are large land areas of similar ecological structure in St Helens conservation area- these are available to the public and have connectivity in terms of the public being able to access it.	which impact conservation values.

## STRATEGICS & ANNUAL PLAN:

### Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

#### Goal

Economy - To foster innovation and develop vibrant and growing local economies which offer opportunities for employment and development of businesses across a range of industry sectors.

#### Strategy

1. Support and encourage innovation and growth in the economy through local leadership, infrastructure provision, support services and customer-focused service delivery.
2. Integrate and simplify processes to facilitate the development and growth of businesses.
3. Create a variety of jobs that reduce the seasonality of the local economy and provide ample opportunities for youth to remain in the area.

#### *Key Focus Areas:*

1. Support – Integrate and simplify processes and services to facilitate the development and growth of businesses.
2. Opportunities – Prepare and maintain an economic prospectus which details opportunities, infrastructure and land availability, and local resources.
3. Tourism – Broaden, lengthen and improve the visitor experience through development of attractions and activities, promotion and signage.
4. Employment – Create a variety of jobs that will reduce the seasonality of the local economy and provide ample opportunities for youth to remain in the area.

### Break O Day Annual Plan 2024 – 2025

#### *Action:*

2.1.3 – Facilitate development opportunities that support the growth of our local economy, including aviation, tourism, and service industries.

3.1.1 – Identify and progress opportunities to optimise the use of Council-owned assets for economic and community benefit.

4.1.1 – Continue to build collaborative relationships with key stakeholders and potential investors to attract sustainable development.

## LEGISLATION & POLICIES:

### *Local Government Act 1993*

#### **177A. Public land**

(1) The following land owned by a council is public land:

- (a) a public pier or public jetty;
- (b) any land that provides health, recreation, amusement or sporting facilities for public use;
- (c) any public park or garden;
- (d) any land acquired under [section 176](#) for the purpose of establishing or extending public land;
- (e) any land shown on a subdivision plan as public open space that is acquired by a council under the [Local Government \(Building and Miscellaneous Provisions\) Act 1993](#) ;

- (f) any other land that the council determines is public land;
  - (g) any other prescribed land or class of land.
- (2) The general manager is to –
- (a) keep lists or maps of all public land within the municipal area; and
  - (b) make the lists and maps available for public inspection at any time during normal business hours.

### **178. Sale, exchange and disposal of public land**

- (1) A council may sell, lease, donate, exchange or otherwise dispose of public land owned by it in accordance with this section.
- (2) Public land that is leased for any period by a council remains public land during that period.
- (3) A resolution of the council to sell, lease, donate, exchange or otherwise dispose of public land is to be passed by an absolute majority.
- (4) If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to–
  - (a) publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and
  - (ab) display a copy of the notice on any boundary of the public land that abuts a highway; and
  - (b) notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.
- (5) If the general manager does not receive any objection under [subsection \(4\)](#) and an appeal is not made under [section 178A](#), the council may sell, lease, donate, exchange or otherwise dispose of public land in accordance with its intention as published under [subsection \(4\)](#).
- (6) The council must –
  - (a) consider any objection lodged; and
  - (b) by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of –
    - (i) that decision; and
    - (ii) the right to appeal against that decision under [section 178A](#).
- (7) The council must not decide to take any action under this section in respect of land if –
  - (a) any objection lodged under this section in respect of the land is being considered; or
  - (b) an appeal made under [section 178A](#), in respect of the land, has not yet been determined; or
  - (c) the action is in contravention of a determination made in respect of an appeal under [section 178A](#) in respect of the land.

### **BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

**Council will incur minor administrative costs** associated with:

- Public notification process under Section 178 of the *Local Government Act 1993 (Tas)*

### **VOTING REQUIREMENTS:**

Absolute Majority

19 Gorge Rd  
Trevallyn TAS 7250  
[fovey@intas.net.au](mailto:fovey@intas.net.au)  
0498 800 611  
8<sup>th</sup> July 2025

John Brown  
General Manager  
Break o' Day Council  
32-34 Georges Bay Esplanade  
St Helens TAS 7216  
Via email: [admin@bodc.tas.gov.au](mailto:admin@bodc.tas.gov.au)

re: St Helens Aerodrome – Intention to Remove Land from Public Land Classification

Dear Mr Brown

I am writing to object to the plan to remove the land near the aerodrome (titles reference 112855/1, 45005/2, 214209/1 (and 18671/2, 223471/1, 148076/1, though I can't see where those titles are at the aerodrome) as I believe that land has important public value.

These titles are currently listed on the BODC register of Public Land because of the following reason:

*(b) Any land that provides health, recreation, amusement or sporting facilities for public use;*

While the existence of the aerodrome itself provides for the health of the community due to medical retrieval access, the land around the aerodrome is important for other reasons.

The land around the aerodrome is still covered by healthy native vegetation that provides:

- important habitat for wildlife (including threatened species of flora and fauna),
- water catchment and
- recreation and amusement for the community.

#### **Habitat**

The *Eucalyptus amygdalina* coastal forest and wet heathland south of the airstrip is in excellent condition, with many old growth trees – while small of stature, their age is apparent with abundant habitat hollows – over a diverse and healthy, heathy understorey (see picture). The presence of sensitive species, such as *Xanthorrhoea*



(grasstrees), indicates that the vegetation is free of Phytophthora rootrot, at least in large parts if not all of the area. The bushland is striking due to the diversity of wildflowers and forms a sizeable component of the intact native vegetation of the St Helens Point peninsula.

There are numerous threatened flora records on these titles, including *Hibbertia virgata*, *Acacia ulicifolia* and the nationally listed Tasmanian Smokebush, *Conospermum hookeri*, for which this area is a key population site.

Abundant orchids include Waxlip Orchids, Leopard Orchids, Ladies Fingers, Fire Orchids and more.

Excellent fauna habitat is provided by tree hollows, fallen logs, dense understorey and wet areas, and it is highly likely that threatened species of fauna such as Tasmanian Devils, Eastern Quolls and Spotted-tailed Quolls and others occur here. Excellent potential habitat for the New Holland Mouse occurs here.

#### **Water catchment affecting lagoons**

The wet heathlands occupy the upper catchments of creeklines that drain to the Ramsar-listed Jocks Lagoon or to Chimneys Lagoon, and the fully-vegetated creeklines would be vital to the health of these lagoons.

*The picture shows wet heathland of buttongrass, teatree and black gum that fills the upper creek catchment of the creeks here.*

It is likely that removal of Public Land Classification is intended to facilitate development of this land (whether for a hangar or anything else). The likely associated clearing, erosion, sedimentation and pollution that occurs with development would significantly affect the water quality of the creeks.



Our own property is 500m north of these titles and supports half of Chimneys Lagoon. One of the creeks that starts on the aerodrome land goes through our land and then into the lagoon. We are custodians of the lagoon, which is protected by conservation covenant, and we object to actions of the council potentially jeopardising the health of Chimneys Lagoon.

The other lagoon that would be affected by any development of these titles is the RAMSAR-listed Jocks Lagoon, as the other creek has its headwaters in these titles and flows into Jocks Lagoon.

#### **Recreation and amusement of the community**

Many people enjoy this land for its intact ecosystems, abundant wildflowers and diverse birdlife. Recreation and amusement does not only happen in sports fields – a huge component



of community life is the natural environment and this comes at the top of any survey of the desirability of the municipality for locals and visitors alike. Recently the Bay of Fires Masterplan survey revealed that once again.

I walk this area frequently, admiring the plants and animals of the land. It is truly delightful.

The amusement of the community also relies on healthy waterways and lagoons, which support fish, nesting cormorants, bitterns, swans and eagles. The protection of water catchments is absolutely vital for the health of waterways and lagoons downstream.

In reality, this area is also valued by recreational vehicle users. Although they degrade the bushland by creation of tracks, they are not as bad as outright clearing that would likely occur with any development. They also show that locals appreciate this area as a natural bushland area in which to recreate. If the land becomes privatised, that recreation would cease.

#### **Conclusion**

This incredible area has been fortunate to remain largely intact as naturally vegetated catchments, which contribute to the ecosystem health and integrity of the whole St Helens Point.

Please do not allow the degradation and fragmentation of the heart of this peninsula by removing Public Land Classification and opening up the land to development.

I urge Council to see this land as a natural asset that it can take charge of protecting for the sake of the environment and the public's recreation and amusement. Please do not remove its Public Land Classification but instead turn it into a reserve with permanent protection.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Anna Povey', with a stylized, flowing script.

Anna Povey

**From:** [Peter Dane](#)  
**To:** [Break O Day Office Admin](#)  
**Subject:** St Helens aerodrome  
**Date:** Tuesday, 8 July 2025 2:47:46 PM

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You don't often get email from peted2622@gmail.com. [Learn why this is important](#)

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To the General Manager. My name is Peter Dane and my address is 225 lower Germantown Rd St Marys TAS 7215. I am writing in regards to the proposed removal of public land classification for the St Helen's aerodrome. My main objection to the proposal is that it is not in the public interest to remove the Public Land Classification as the land has significant nature conservation values. The main conservation values include

- High quality coastal heath land wood land forest with rich botanical diversity.
- Suitable habitat for many threatened fauna species including the New Holland Mouse.
- Important contributor to landscape connectivity between St Helens Point and Scamander Tier/Skyline Tier hinterland.
- Part of the catchment for Parkside Lagoon,Jocks Lagoon and Chimneys Lagoon. Looking forward to your reply. Yours sincerely Peter John Dane

**From:** [Bill Manning](#)  
**To:** [Break O Day Office Admin](#)  
**Cc:** [NE Bioregional Network](#)  
**Subject:** Removal of land from Public Land Classification.. St Helens Aerodrome  
**Date:** Wednesday, 9 July 2025 11:19:47 AM

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To: The General  
Manager Break oDay Council  
From,  
Bill Manning,  
POBox ,140,  
Scamander,  
7215.

The above was advertised in the Examiner on 21/6/23 by the Break O Day Council,  
And refers to land titles

112855/1,18671/2,214209/1,223471/1,148076/1 and 45005/2. It

The application seeks to alienate sections of the above titles from State Reserve to an area known as St Helens Aerodrome!

Grounds of Objection,

- 1 there must be another alternative,
- 2 The areas applied for are likely to fabricate the State Reserve
- 3 Under the Act a State Reserve is subject to a Management Plan..... no such plan is in existence and until that occurs no decisions can be made that are fully informed of the requirements of the Reserve.
- 4 the area is of high conservation significance and needs to be objectively assessed by non aligned experts in the required fields!
- 5 Should this Application be approved, there is little likelihood of the Public having involvement in future development!
- 6 Break ODay Council does not have the expertise to assess the application and has proven that it does not recognise the importance of not fragmenting State Reserves!
- 7 All the conservation values must be protected and retained as a State Reserve!

Thanks for the opportunity to comment  
Bill Manning  
9/11/2025

Sent from my iPad

**From:** [Graeme Beech](#)  
**To:** [Break O Day Office Admin](#)  
**Subject:** REMOVAL OF ST HELENS AERODROME LAND FROM PUBLIC LAND CLASSIFICATION  
**Date:** Monday, 14 July 2025 10:01:24 PM

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Attention - John Brown  
General Manager  
BODC

I wish to object to the proposal to remove titles associated with the St Helens Aerodrome from the Public Land Classification register as advertised in The Examiner on 21 June 2025

The reasons for my objection are:

- Once removed from the register, the land may be sold, leased or disposed of without allowing for public comment or appeal under the relevant legislation.
- The Council should ensure that the community has a say in the classification, ownership and use of land on the public land classification register. There is no reason to exclude the public from decision-making that affects the community.
- The motivation for the change may be for development that, unless undertaken very sensitively, is likely to damage natural values.
- Interested members of the community, should be able to contribute to development appropriateness and associated environmental care of this land.
- The land has high conservation values, including threatened flora species such as smokebush and provides habitat for threatened fauna species.
- The land contains biodiverse heathlands and woodlands and provides a wildlife corridor/biolink between St Helens Point Conservation area and habitats of the hinterland.
- The land is in the catchment of Parkside Lagoon, Jocks Lagoon and Chimneys Lagoon so should be retained in natural condition to protect the water quality of these important wetlands.

The Tasmanian State of the Environment Report (SoE) 2024 documented an environment under significant strain and facing multiple threats. Of the 29 environmental categories assessed, 16 were found to be getting worse and 11 were in poor condition. Threatened plants, animals and communities such as heathlands are being decimated by climate change, vegetation loss and invasive species.

Local Government has a responsibility to address the serious environmental circumstances identified in the SoE report 2024. Taking this high conservation land off the public classification register and changing land uses that will further impact the environment without public engagement and scrutiny is not acceptable.

Yours sincerely

Grame Beech  
315 Tasman Highway  
Beaumaris

**From:** [Graeme Wathen](#)  
**To:** [Break O Day Office Admin](#)  
**Subject:** Proposal to remove the St Helens Aerodrome land from Public Land Classification  
**Date:** Thursday, 10 July 2025 11:32:10 AM

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General Manager  
Break O'Day Council

I wish to object to the proposal to remove the St Helens Aerodrome land from Public Land Classification, as advertised in the Examiner 21 June 2025.

It appears that under Section 178 of the Tasmanian Local Government Act 1993 the proposal will allow the Council to sell, lease, donate, exchange, or otherwise dispose of the St Helens Aerodrome land. Therefore a variety of commercial operations are legitimised by this proposal.

My objection is based on my understanding that no reasons, let alone valid reasons, have been provided to the public for this proposal.

Presumably Council officers have a reason or reasons, as yet undisclosed to my knowledge, for the proposal.

It would seem essential for sensible and valid reasons to be publicly declared before proceeding with the de-classification. Further, assessments should be provided on the long-term implications for the adjacent residents, the surrounding community, ratepayers and the municipality for this change to the St Helens Aerodrome. After all the Aerodrome is a public facility.

The lack of transparency on this matter is concerning and leaves the Council and its officers open to accusations that business is conducted behind closed doors, away from public scrutiny. Does the Council have a business proposal in mind? What public and private benefits and costs will result from the de-classification proposal?

Sincerely  
Graeme Wathen

10 July 2025



21 Morrison St, Falmouth  
PO Box 10, Scamander

**From:** [NE Bioregional Network](#)  
**To:** [Break O Day Office Admin](#)  
**Subject:** Removing Land from Public Land Classification  
**Date:** Monday, 14 July 2025 3:39:58 PM  
**Attachments:** [2025\\_07\\_11\\_Submission\\_Aerodrome\\_public\\_land\\_Povey.pdf](#)

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We wish to object to the Break O Day Councils intention to remove a number of titles at the St Helens Aerodrome from Public Land Classification.

Firstly we have asked the Council a number of times over the past week (beginning on the 5th of July) for a map showing where the titles are because some of the titles advertised in the public notices Local Government section of the Examiner do not correspond with the title reference on THE LIST. As of the 14th of July we are still yet to receive a map. Therefore we don't know which titles are proposed to be removed.....there is also no map provided in the Councils June Agenda. If the titles are incorrect the public notice should be re advertised and it is disappointing that this information hasn't as yet been provided by Council. In addition the Councils inability to provide relatively easy to access information related to public process reflects poorly on them and as we have not been provided with the information during the comment period the public notice should be re advertised.

#### RECREATIONAL/CONSERVATION VALUES

We have attached a representation we made about the Aerodrome land during 2023 as part of the Break O Day LPS process.

As is evident the land (especially to the south of the Aerodrome) is in excellent ecological condition with significant conservation attributes including;

- \*catchment for Chimneys Lagoon, Parkside Lagoon and RAMSAR listed Jocks Lagoon (which feeds into Windmill and Moriarty Lagoons which are also excellent examples of freshwater wetlands in the St Helens Point Conservation Area)
- \* high quality coastal heathlands, woodlands and forests have outstanding botanical richness including high levels of natural beauty and biophysical naturalness
- \* a number of threatened plant species including EPBC listed *Conospermum hookeri* and State listed *Hibbertia virgata* and *Acacia ulicifolia*
- \* habitat for threatened fauna such as the New Holland Mouse as well as more broadly for a diverse range of wildlife including frogs, insects, birds, reptiles, mammals etc
- \* old growth trees with hollows which take a very long time to develop
- \* important contributor to landscape connectivity between St Helens Point to Scamander Tier hinterland.

A 2017 North Barker flora and fauna report associated with a failed subdivision application for 50 St Helens Point road noted:

" the native vegetation communities within the study area form part of contiguous corridor of coastal habitat extending along St Helens Point connecting to Scamander Tier, which collectively provides a range of habitats for native fauna.

This mosaic of vegetation types and connectivity with habitats elsewhere provide a range of habitat opportunities for mammals, birds, reptiles and invertebrates. Patches of dense cover occur throughout the site, particularly in the damper areas providing shelter to mammals. Open areas, including water bodies, provide opportunities for grazing, hunting and foraging. There is also access to seasonal water in the form of creeks."

As such the Public Land is a very important COMMUNITY conservation asset which contributes appreciably to the health and well being of nature and people and any intentions by Council to sell, lease, donate or dispose of such land should go through a Public Notification process. The land belongs to all of the ratepayers not just the Council.....our natural environment is the municipalities number one asset and this means actually looking after it not just using nature as a marketing tool to promote development.

#### COMMERCIAL ACTIVITY.

It appears that the Councils primary motivation for removing the Public Land Classification status is for the convenience of a developer (Plane Works). It is noted that this was discussed in Closed Council at the June Council meeting.....why are discussions relating to Public Land which are owned by the community secret ?????? where is the legal advice mentioned in the June Agenda which should be available for public perusal. Why haven't Council officers "researched the Minutes around the commencement of the Act to ascertain the correctness of the inclusion" as mentioned in the June Agenda item ?

It also has not been explained why a number of titles at the Aerodrome have been targeted for removal from Public Land Classification when the developer only wants access to one title (it appears) and the Council can lease the land to the developer for 5 years without having to comply with section 178. of the Local Government Act so there is no need to remove Public Land Classification.

Has the Council complied with section 177(2) of the Local Government Act below ?

#### **177. Sale and disposal of land**

- (1) A council may sell, lease, donate, exchange or otherwise dispose of land owned by it, other than public land, in accordance with this section.
- (2) Before a council sells, leases, donates, exchanges or otherwise disposes of any land, it is to obtain a valuation of the land from the Valuer-General or a person who is qualified to practise as a land valuer under [section 4 of the Land Valuers Act 2001](#) .

#### PUBLIC INTEREST

It is our contention that the removal of a number of Aerodrome land titles from Public Land Classification status is not in the public interest. There has been no justification provided as to why a number of titles have all been recommended to have Public Land Classification removed rather than the Council lease the land for 5 years.

As a significant community asset any intentions to lease, sell, donate, dispose of the land should be subject to public notification process.

Todd Dudley  
President  
**North East Bioregional Network**

Phone (03) 6376 1049  
Postal address: 24751 Tasman Hwy, RSD St. Marys 7215

Jenny Jobling  
26 Parnella Dr  
Stieglitz, 7216  
Email: [jjjobling@gmail.com](mailto:jjjobling@gmail.com)  
Phone: 0488 688 959

Date: 8<sup>th</sup> July 2025

To the General Manager  
Break O'Day Council  
23–25 St Helens Street  
St Helens TAS 7216

**RE: Objection to the Proposed Removal of Public Land Classification – St Helens Aerodrome Land**

I am writing to lodge a formal objection to Break O'Day Council's proposal to remove a number of titles associated with the St Helens Aerodrome from the Public Land Classification Register.

My objection is based on the following grounds:

**1. Loss of Public Transparency and Accountability**

Under the Local Government Act, once the land is removed from Public Land Classification, the Council is no longer required to undergo public notification or provide an opportunity for public appeal if it later decides to sell, lease, donate, exchange, or otherwise dispose of this land. This would remove important safeguards and transparency mechanisms that ensure the Break O'Day community has a say in decisions over public land.

**2. Significant Conservation Values at Risk**

The St Helens Aerodrome land contains outstanding natural values that could be severely impacted by future developments. These include:

- Numerous threatened plant species, such as the EPBC-listed *Conospermum hookeri* (Smokebush), and State-listed *Hibbertia virgata* and *Acacia ulicifolia*.
- High-quality coastal heathland and woodland/forest with exceptional botanical diversity.
- Habitat suitable for threatened fauna, including the New Holland Mouse.
- Landscape connectivity between St Helens Point and the Scamander Tier/Skyline Tier hinterland.
- The area forms part of the catchment for Parkside Lagoon, Jocks Lagoon, and Chimneys Lagoon, and any development (including a hangar) could



have stormwater and runoff implications for these sensitive wetland systems.

**3. Impact on Essential Community Services**

The St Helens Aerodrome is a **vital link for the entire Break O'Day community**, including as an operational base for the Royal Flying Doctor Service and other emergency services. Any change to the land's classification, ownership, or permitted uses has the potential to compromise or complicate access to critical aeromedical and evacuation services. This affects the safety and wellbeing of every resident in the municipality.

**4. Not in the Public Interest**

It is not in the public interest to remove the Public Land Classification over land with such critical conservation significance, particularly when the future of the land remains uncertain. The community should retain the right to be consulted and to lodge appeals in relation to any future decisions about leasing, sale, or development of this public asset.

**5. Lack of Genuine Community Engagement**

This proposal appears to have been partly discussed in Closed Council, which further undermines public confidence in the transparency of the process. Any decision affecting land of this importance should be subject to comprehensive public consultation and scrutiny.

**Requested Actions**

I therefore request that Council:

- Retain the Public Land Classification over all titles associated with the St Helens Aerodrome.
- Commit to full public notification and consultation for any future proposals to lease, sell, or develop this land.
- Recognise and protect the conservation values identified in the 2023 submission to the Break O'Day Planning Scheme Review.

Thank you for considering this objection. I request that this letter be formally tabled and recorded as part of the public comment process closing on Monday 14th July.

Yours sincerely,



**Jenny Jobling**





Michael Kerans  
26 Parnella Drive  
Stieglitz TAS 7216

10 July 2025

Attention: **The General Manager**

Break O'Day Council  
32-34 Georges Bay Esplanade  
St Helens TAS 7216  
Email: [admin@bodc.tas.gov.au](mailto:admin@bodc.tas.gov.au)

Dear Sir,

**Objection to Removal of Public Land Classification for St Helens Aerodrome Land**

I am writing to express my strong objection to Break O'Day Council's Intention to remove from public land classification various titles of land adjoining St Helens Aerodrome land.

First and foremost, this is public land and should not, or ever be, considered for use by the private sector. We, the people of Break O'Day Council, and you, our representative, need to ensure this land is kept for the public good.

The bush surrounding St Helens is an asset. This is not contestable. The reduction of this asset in any way, and Break O'Day Council's intention is not by any means a small reduction, is not acceptable. The community of Break O'Day Council has already lost far too much of its natural environment and it needs to stop the loss of any more now.

We, and our representatives being the councillors of Break O'Day Council and its employees, need to begin to treat our natural environment as a limited and valuable asset, rather than an unlimited resource at the disposal of private interests as and when they believe they can benefit from its use.

You may not be aware, but please note the public notice of Council's intention borders on being misleading due to its omission of the detail that there is already a planned development for the site, with that development already having been considered by council. Council's notice also omits to include the total size of the lots involved. A review of the subject lots indicates the land with the potential for use by aerodrome related activities will double. Omitting to include that detail is careless. I am confident that an overwhelming number of the public who became aware of the size of the subject land would react adversely and contrary to Council's intention. As such I request the full

1/3

details surrounding the declassification and the leasing proposal be discussed in a public forum and let the people decide what happens with that land.

The site described is very large and represents a significant expansion of the aerodrome infrastructure. It also opens significant potential for additional development on lands which adjoin sensitive bushland which is of high environmental quality. By removing it from the public lands register, we, the public, will not be required to be advised by council of any future development. With respect, from the scant detail in the notice, I am not confident council would make an effort to ensure the community was fully advised of developments in the future if it were not absolutely required, as a statutory requirement. We therefore cannot allow the classification for these titles to be altered.

As a resident of Break O'Day Council, I expect a higher level of transparency from our employed and elected representatives. Our community should be given all the facts so that we are able to make a well-considered and informed decision. I request Council includes all relevant information in all future notices and not just the detail as required by state regulation. As our representatives, this is a minimum standard to which you should conform. To do otherwise demonstrates a lack of concern for our interest.

#### **Public Interest and Legal Considerations**

It is not in the public interest to remove the Public Land Classification from the titles adjoining St Helens Aerodrome due to its significant nature conservation values. Any intention by the Council to lease, sell, donate, exchange, or otherwise dispose of the Aerodrome land should be subject to public notification and relevant appeals processes under the Local Government Act. Broader consultation is essential to ensure that the Break O'Day community and ratepayers have a say in the future of the land, given its important natural values.

#### **Nature Conservation Values**

- Numerous threatened plant species occur on the land, including EPBC listed *Conospermum hookeri* (Smokebush) and State listed *Hibbertia virgata* and *Acacia ulicifolia*.
- The area contains high quality coastal heathland, woodland, and forest with rich botanical diversity.
- The land provides suitable habitat for many threatened fauna species, including the New Holland Mouse.
- The site is an important contributor to landscape connectivity between St Helens Point and the Scamander Tier/Skyline Tier hinterland area.
- The section of land identified in this matter, forms part of the catchment for Parkside Lagoon, Jocks Lagoon, and Chimneys Lagoon. The upper catchment of Jocks Lagoon found on this land is in excellent ecological condition and forms a critical part of the hydrological system to maintain the natural values and water quality in Jocks Lagoon.

2/3

**Buffer for Existing Residential Development and Georges Bay**

The public lands surrounding the aerodrome provides a significant buffer for the residential development from aeronautical activities. People who have developed those lands have done so with the knowledge that the buffer would remain in perpetuity. To alter the classification and allowing aeronautical related activities disregards the wellbeing and quiet enjoyment of residents who have benefited from the bushland buffer.

In addition, the bushland contained in the lands intended by Council to be leased for aeronautical purposes, acts as a buffer for any spills or contaminant which may emanate from the existing aerodrome activities. Removal of the bushland currently on the subject public land titles, will significantly reduce that natural buffer zone and raise the risk of contamination of Georges Bay. This is a risk we cannot tolerate.

This letter forcefully opposes Break O'Day Council's proposal to strip public land classification from the area adjoining St Helens Aerodrome, underscoring the land's irreplaceable nature conservation values. I stress the presence of threatened plant and animal species, the land's essential role in protecting local lagoons, and Georges Bay, and its critical function in maintaining a connected natural landscape. It is categorically argued that any move to alter the land's protected status must be subject to full public scrutiny, genuine consultation, and legal safeguards to defend both the community's interests and the environment. The letter insists that this land remain safeguarded for the public good and environmental preservation.

Yours sincerely,



Michael Kerans

0411 134 321

Cc: Jason Jacobi, Department of Natural Resources and Environment  
Email: [jason.jacobi@nre.tas.gov.au](mailto:jason.jacobi@nre.tas.gov.au)

Mick Tucker - Mayor  
Kristi Chapple - Deputy Mayor  
Ian Carter - Councillor  
Gary Barnes - Councillor  
Vaughan Oldham - Councillor  
Liz Johnstone - Councillor  
Janet Drummond - Councillor  
Barry LeFevre - Councillor  
Kylie Wright - Councillor

3/3

## RECOMMENDATION

1. That Council include the following properties on Council's Public Land Register:

PID	TOWN	REASON
7689197	Ansons Bay	Public Open Space
7701950	Ansons Bay	Reserve
1634072	Beaumaris	Recreation Reserve
6797911	Binalong Bay	Adjoining Tennis Court
6401024		Falmouth Community Centre (Playground only)
6412460	Fingal	Toilets and Reserve
6411943	Fingal	Cemetery
7349539	Four Mile Creek	Park and Recreation Area
6414909	Mathinna	Toilets and Changerooms
6405893	Scamander Ave	Toilets
6794518	St Helens	Reserve
7446929	St Helens	Public Recreation Space
6402772	St Marys	Showgrounds, Recreation Area (excluding buildings)
6404743	St Marys	Park Area
7669882	St Marys	Public Amenities
7734808	Weldborough	Cemetery

2. That Council notify the public, by way of advertising, that the details of properties that are on the public lands register are available for viewing at the Council Offices.

## Introduction

Section 178 (2) of the Local Government Act states that:

The following are public land:

- (a) a pier or jetty;
- (b) land providing health, recreation, amusement or sporting facilities for public use;
- (c) a cemetery or crematorium;
- (d) any public parks or gardens;
- (e) any other prescribed land or class of land.

Section 180 of the Local Government Act prescribes that:

- (1) The General Manager is to:
  - a. Keep lists or maps of all public land within the municipal area; and
  - b. Make any list available for public inspection at any time during normal business hours.
- (2) A person may object to the council in relation to the inclusion or omission of land from a list or map.
- (3) In considering an objection, a council may:
  - a. Dismiss the objection; or
  - b. Make any necessary change to a list or map.

## Strategic Plan



Governance.

#### **Statutory Requirements/Government Department**

Local Government Act 1993.

#### **Community Consultation**

Not Applicable.

#### **Operational Plan**

Corporate Governance.

#### **Liability Assessment**

By listing properties on the Public Land Register will require that any sale, exchange or lease of such land is treated in accordance with the appropriate provisions of the Local Government Act.

#### **Report**

In accordance with the Local Government Act Council is required to have a Public Lands Register that is available for public viewing.

Attached is a list of other properties currently owned by Council, which have **NOT** being included in the above list.

**Marissa Southwell**  
**Manager Corporate Services**

**Attachments: 1**

Property Number	Full Street Address	Suburb	Classification	Improvements	Land Use Code	Volume_Folio	Area
6811007	P1004 Eddystone Road	Ansons Bay	F	Gravel Pit	V5	11754/15	33.08
6811015	1200 Eddystone Road	Ansons Bay	F	Gravel Pit	V5	11915/16	32.26
7731471	P1804A Tasman Highway	Beaumaris	CP	Gravel Pit	Q2	41848/1	5.00
6797874	Main Road	Binalong Bay	EX	Shack	R92	Currently Leased	0.0506
6797938	Main Road	Binalong Bay	21	Tennis Court	S1	233469/1	0.2023
6400371	William Street	Cornwall	VL	Vacant Land	V1	54237/1	0.1368
1474275	LOT 1 Legge Street	Falmouth	VL	Vacant Land (formerly church)	P60	108853/1	0.3147
6410553	17 Fleming Street	Fingal	DE	Office and Workshop	P13	250845/1	3.738
6411791	Robert Street	Fingal	CP	Quarry	Q2		3.308
6412073	1 Stieglitz Street	Fingal	EX	Sewerage Pond	P13	234289/1	2.023
6412389	28 Talbot Street	Fingal	CP	Council Chamber and Court	P12	42/8107	0.4902
6413025	21 Victoria Street	Fingal	VL	Vacant Land	V1	51204/2	0.0855
7351110	Esk Main Road	Fingal	VL	Sewerage Ponds	P13		2.276
6412863	20 Talbot Street	Fingal	HT	Community Centre	P81	17192/1	0.2663
6410916	17 Grant Street	Fingal	TC	Tennis Court	S2	228953/1	0.1391
6413535	Elizabeth Street	Mangana	VL	Vacant Land	V1	203723/5	0.3946
6414204	Henry Street	Mangana	VL	Vacant Land	V1		2.074
1869963	Tasman Highway	Pyengana	VL	Gravel Pit	Q2	48851/6, 49432/1	11.388
1498867	Rex Court	St Helens	Vacant Industrial	Vacant Land	V3	107563/10	0.5824
1555403	LOT 24 Tasman Highway	St Helens	EX	Industrial Buffer Zone	S0	52517/24	0.1863
1555462	Warrens Way	St Helens	CP	Vacant	V3	52518/18	1.31
1916416	Cecilia Street	St Helens	VL	History Room & Carpark	V2	118523/1	0.2853
1970003	St Helens Point Road	St Helens	21	Waste Transfer Station	P13	11852/1	17.22
6791720	Aerodrome Road	St Helens	21	Office and Airstrip	P32	18871/2, 214209/1, 223471/1, 45005/2	59.83
6803840	86 Binalong Bay Road	St Helens	21	Sewerage Ponds	P13	56/959	5.57
7097634	P1711 St Helens Point Road	St Helens	21	Sewerage Ponds	P13	251196/1	53.81
7384350	Cameron Street	St Helens	21	Vacant Land	V1	30849/2	0.0556
7386428	8 Jason Street	St Helens	21	Vacant Land	V1	30563/27	0.106
7390861	P1700 St Helens Point Road	St Helens	EX	Expansion for Airport	V5	4116/100	25.45
7688717	146 Tully Street	St Helens	Rural Vacant	Vacant Land	V3	138662/1	2.093
7768354	Georges Bay Esplanade	St Helens	CC	Council Chamber and Court	P12	49810/1	0.1676
7950578	P3438 Cobreogga Drive	St Helens	13	Reservoir	P13	102483/1, 123944/4	0.4189
6793435	39-41 Cecilia Street	St Helens	21	Hall	P81	17213, 18/3525 (Toilets and Cenotaph Public Land?)	0.1985
1848310	Groom Street	St Marys	VL	Sewer Pump Station	V1	48413/1	0.7003



## 8.5 PUBLIC LAND REGISTER

(File No: 004\011\008\ )

### RECOMMENDATION

3. That Council include the following properties on Council's Public Land Register:

PID	TOWN	REASON
7689197	Ansons Bay	Public Open Space
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6405893	Scamander Ave	Toilets
6794518	St Helens	Reserve
7446929	St Helens	Public Recreation Space
6402772	St Marys	Showgrounds, Recreation Area excluding buildings)
6404743	St Marys	Park Area
7669882	St Marys	Public Amenities
7734808	Weldborough	Cemetery

4. That Council notify the public, by way of advertising, that the details of properties that are on the public lands register are available for viewing at the Council Offices.

### COUNCIL DECISION

**89/2005** Moved Clr J. McGiveron / Clr V. Cato that the recommendation be approved **CARRIED Unanimously.**

Pursuant to Regulation 17(1) of the Local Government (Meeting Procedures) Regulations 2025 that Council move into Closed Council.

IN CONFIDENCE

- 08/25.18.0

CLOSED COUNCIL
- 08/25.18.1

Confirmation of Closed Council Minutes – Council Meeting 21 July 2025
- 08/25.18.2

Outstanding Actions List for Closed Council
- 08/25.18.3

Closed Council Item Pursuant to Section 15(2)(i) of the Local Government (Meeting Procedures) Regulations 2025 - Cllr Liz Johnstone Leave of Absence
- 08/25.18.4

Closed Council Item Pursuant to Section 15(2)(h) of the Local Government (Meeting Procedures) Regulations 2025 - Request to Waiver Interest and Penalty, Gardens Road The Gardens

Pursuant to Regulation 17(1) of the Local Government (Meeting Procedures) Regulations 2025 that Council move out of Closed Council.

08/25.19.0

MEETING CLOSED

Mayor Tucker thanks everyone for their attendance and declared the meeting closed at ...pm.

.....  
MAYOR

.....  
DATE