



# COUNCIL MEETING MINUTES

Monday 18 January 2021  
Council Chambers, St Helens

John Brown, General Manager  
Break O'Day Council  
18 January 2021

**This page left blank  
intentionally**

## CONTENTS

CONTENTS .....	3
AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL .....	5
OPENING .....	5
ACKNOWLEDGEMENT OF COUNTRY.....	5
01/21.1.0 ATTENDANCE .....	5
01/21.1.1 Present .....	5
01/21.1.2 Apologies.....	5
01/21.1.3 Leave of Absence .....	6
01/21.1.4 Staff in Attendance .....	6
01/21.2.0 PUBLIC QUESTION TIME.....	6
01/21.2.1 Water Basin - Wrinklers - Mr P Beattie, Scamander .....	6
01/21.2.2 Drought Communities Programme Funding – Clr J Drummond obo Mr N Capill, St Marys.....	7
01/21.3.0 DECLARATION OF INTERESTS OF A COUNCILLOR OR CLOSE ASSOCIATE .....	8
01/21.4.0 CONFIRMATION OF MINUTES.....	8
01/21.4.1 Confirmation of Minutes – Council Meeting 21 December 2020.....	8
01/21.5.0 COUNCIL WORKSHOPS HELD SINCE 21 DECEMBER 2020 COUNCIL MEETING.....	8
01/21.6.0 PLANNING AUTHORITY .....	9
01/21.6.1 DA 176-2020 – Telecommunications Tower – 21174 Tasman Highway, Chain of Lagoons .....	9
01/21.6.2 DA 256-2020 – Dwelling & Shed – 13 Cobrooga Drive, St Helens .....	12
01/21.6.3 DA 272-2020 – New Dwelling (Residential & Visitor) – 17 Maori Place, Akaroa.....	15
01/21.6.4 DA 077-2020 – Single Dwelling Lot 1 – Tasman Highway, St Helens.....	18
01/21.6.5 DA 078-2020 – Single Dwelling Lot 2 – Tasman Highway, St Helens.....	23
01/21.6.6 DA 079-2020 – Single Dwelling Lot 3 – Tasman Highway, St Helens.....	26
01/21.6.7 DA 080-2020 – Single Dwelling Lot 4 – Tasman Highway, St Helens.....	30
01/21.6.8 DA 081-2020 – Single Dwelling Lot 5 – Tasman Highway, St Helens.....	34
01/21.6.9 DA 082-2020 – Single Dwelling Lot 6 – Tasman Highway, St Helens.....	37
01/21.6.10 DA 084-2020 – Single Dwelling Lot 7 – Tasman Highway, St Helens.....	40
01/21.6.11 DA 085-2020 – Single Dwelling Lot 8 – Tasman Highway, St Helens.....	44
01/21.7.0 PETITIONS.....	47
01/21.8.0 NOTICES OF MOTION .....	48
01/21.8.1 Notice of Motion – Maintenance of Terrys Hill Road, Goshen – Clr K Wright .....	48
01/21.9.0 COUNCILLOR’S QUESTIONS ON NOTICE .....	49
01/21.10.0 COUNCILLOR’S QUESTIONS WITHOUT NOTICE .....	50
01/21.10.1 Climate Change Committee – Clr J Drummond .....	50

01/21.11.0	MAYOR'S & COUNCILLOR'S COMMUNICATIONS.....	50
01/21.11.1	Mayor's Communications for Period Ending 18 January 2021.....	50
01/21.11.2	Councillor's Reports for Period Ending 18 January 2021.....	50
01/21.12.0	BUSINESS AND CORPORATE SERVICES.....	51
01/21.12.1	Corporate Services Department Report .....	51
01/21.12.2	Monthly Financial Report.....	52
01/21.12.3	Visitor Information Centre Report .....	53
01/21.12.4	Audit Panel – Receipt of Minutes .....	53
01/21.12.5	Tasmanian Audit Office – Procurement in Local Government .....	54
01/21.13.0	WORKS AND INFRASTRUCTURE .....	55
01/21.13.1	Works and Infrastructure Report.....	55
01/21.13.2	Animal Control Report .....	56
01/21.13.3	Local Roads & Community Infrastructure Program Extension .....	57
01/21.14.0	COMMUNITY DEVELOPMENT .....	58
01/21.14.1	Community Services Report.....	58
01/21.15.0	DEVELOPMENT SERVICES.....	59
01/21.15.1	Development Services Report.....	59
01/21.15.2	Break O'Day Drought Weeds Grants 2020 .....	60
01/21.16.0	GOVERNANCE.....	61
01/21.16.1	General Manager's Report.....	61
01/21.17.0	CLOSED COUNCIL .....	63
01/21.17.1	Confirmation of Closed Council Minutes – Council Meeting 21 December 2020 .....	63
01/21.17.2	Outstanding Actions List for Closed Council .....	63
01/21.17.3	Contract 030\001\127\ - Gardens Road Sight Distance Works - Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015.....	63
01/21.17.4	General Manager's Performance Review - Closed Council Item Pursuant to Section 15(2)A of the Local Government (Meeting Procedures) Regulations 2015 .....	64

## AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

As determined by Break O'Day Council in March 2019 all Ordinary, Special and Annual General Meetings of Council are to be audio recorded and a link will be available on the Break O'Day Council website where the public can listen to audio recordings of previous Council Meetings.

*In accordance with the Local Government Act 1993 and Regulation 33 of the Local Government (Meeting Procedures) Regulations 2015, these audio files will be retained by Council for at least six (6) months and made available for listening online within seven (7) days of the scheduled meeting. 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 welcomed Councillors and staff and declared 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.*

### 01/21.1.0 ATTENDANCE

#### 01/21.1.1 Present

Mayor Mick Tucker  
Deputy Mayor John McGiveron  
Councillor Kristi Chapple  
Councillor Janet Drummond  
Councillor Barry LeFevre  
Councillor Glenn McGuinness  
Councillor Margaret Osborne OAM  
Councillor Lesa Whittaker  
Councillor Kylie Wright

#### 01/21.1.2 Apologies

Nil

### 01/21.1.3                      Leave of Absence

Nil

### 01/21.1.4                      Staff in Attendance

General Manager, John Brown  
Executive Assistant, Angela Matthews  
Manager Corporate Services, Bob Hoogland (*Item 6.2 – 13.1*)  
Manager Infrastructure and Development Services, David Jolly (*Item 1.0 – 17.3*)  
Manager Community Services, Chris Hughes (*Item 1.0 – 6.3 / 6.4 – 15.1*)  
Development Services Coordinator, Jake Ihnen (*Item 1.0 – 8.1 / 12.5 – 16.1*)  
Planning Consultant, Rebecca Green (*Item 1.0 – 7.0*)  
Planning Officer, Deb Szekely (*Item 1.0 – 6.5*)  
NRM Officer, Polly Buchhorn (*Item 8.1 – 16.1*)

### 01/21.2.0                      PUBLIC QUESTION TIME

Nil people in the gallery.

*In accordance with Section 31(1) of the Local Government (Meeting Procedures) Regulations 2005 the following questions were submitted in writing prior to the Council Meeting.*

### 01/21.2.1                      Water Basin - Wrinklers - Mr P Beattie, Scamander

As you are aware about 166mm of rain fell in December 2020, 82 mm on the 21<sup>st</sup> and 22<sup>nd</sup> December. As the water table in Scamander was fairly high at the time the Basin could not hold the water, as the overflow in the Basin runs uphill it has never worked effectively. Due to the water table being so high the rain could not soak away, forcing us to run a 1horse power pump with 40mtrs of lay flat hose for approx 8hrs to pump out the Basin. As the Basin could not drain away over a shorter timeframe, it has become a danger to young children with steep sides and 4ft of water. Due to the fact that the Basin was never built or designed properly in the first place and it has been a disaster for the past 10years , surely it would be easier and more logical to fill the Basin in and run a pipe into the underground stormwater that runs along our back fence.

Will Council fill the Basin in and run a pipe into the underground stormwater that runs along our back fence?

## Reply

The pipe which was installed at Break O'Day Council's expense along the rear of properties which front Scamander Avenue is intended only to collect concentrated stormwater from those Lots which lie below Wrinklers Drive and Sunrise Court, and cannot logically discharge to the street drains. It is not large enough to accept stormwater from the whole subdivision.

At the request of (the Beatties) an overflow from the detention basin to Wrinklers Drive was cut during a heavy rainfall event, and this was later formalised as a permanent structure. This means that the detention basin no longer functions as certified by its designers, but can overflow prematurely onto the roadway. It then forms part of a typical overland flow regime which will usually operate during exceptional rainfall events in any subdivision designed according to adopted Local Government Association of Tasmania (LGAT) standards.

### 01/21.2.2 Drought Communities Programme Funding – Clr J Drummond obo Mr N Capill, St Marys

The reply to the question Clr Drummond asked on my behalf at the last Council meeting has led to a couple of further queries;

In that reply it is stated that \$2million is available, where is the second million? as the answer sent to me by the General Manager, Mr John Brown covers only one million.

Mr Brown states that DCP funding for the 'Scamander Surf Club' was \$18,245.00, in the reply to your question it states that only \$18,000 was allocated outside the Fingal Valley; where is the \$245.00 that seems to be adrift?

The reply to your question states that 96% of the funds available was spent "Enhancing Community Life in the Fingal Valley". The monies, whether \$18,000 or \$18,245 spent on the 'Scamander Surf Club' do not represent 4% of the funds, where is the rest?

## Reply

Council's response to Mr Capill's letter received on 26 November 2020 detailed the projects that the additional \$1.0 Million from the Drought Communities Program was being spent on. Previously, 12 months prior, Council was provided with a \$1.0 Million Grant under the Drought Communities Program and all of these funds were spent in the Fingal Valley.

The question asked at the December 2020 Council Meeting related to why funds were being spent at the Scamander Surf Club and this answer was provided along with an indicative amount of \$18,000. The exact amount is \$18,245 as in the letter to Mr Capill. In addition to the funds spent at the Scamander Surf Club a further \$10,000 is allocated to preparing a Drought Preparedness (Protection) Plan which is a requirement of the Federal Government when providing the Funds. This means the actual amount spent outside the Fingal Valley is \$28,245 or 2.8% of the \$1.0 Million, or 1.4% of the \$2.0 Million in total received under the Drought Communities Program.

## 01/21.3.0

## 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.*

Clr K Chapple declared an interest in agenda item 01/21.17.3 – Contract 030\001\127\ - Gardens Road Sight Distance Works – Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015.

## 01/21.4.0

## CONFIRMATION OF MINUTES

### 01/21.4.1

### Confirmation of Minutes – Council Meeting 21 December 2020

#### OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 21 December 2020 be confirmed.

#### DISCUSSION:

No discussion took place on this item.

#### COUNCIL DECISION:

##### 01/21.4.1.1

Moved: Clr G McGuinness / Seconded: Clr M Osborne

That the minutes of the Council Meeting held on the 21 December 2020 be confirmed.

**CARRIED UNANIMOUSLY**

## 01/21.5.0 COUNCIL WORKSHOPS HELD SINCE 21 DECEMBER 2020 COUNCIL MEETING

There was no Workshop held in January 2021. The next scheduled Workshop is 1 February 2021.



## 01/21.6.0 PLANNING AUTHORITY

Pursuant to Section 25 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.

### 01/21.6.1 DA 176-2020 – Telecommunications Tower – 21174 Tasman Highway, Chain of Lagoons

FILE REFERENCE	DA 176-2020
----------------	-------------

#### OFFICER'S RECOMMENDATION:

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **TELECOMMUNICATIONS TOWER** on land situated at **21174 TASMAN HIGHWAY, CHAIN OF LAGOONS** described in Certificate of Title 44178/1 be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans			
Plan / Document Name	Reference Number	Prepared By	Dated
Draft Site Layout	H0204-P1 Rev 1	Optus Mobiles Pty Ltd	25/03/2020
Draft Site Layout	H0204-P2 Rev 1	Optus Mobiles Pty Ltd	25/03/2020
Site Access Plan	H0204-P3 Rev 1	Optus Mobiles Pty Ltd	25/03/2020
Lease Area Survey	302474-HWY Rev 2 Sheet 1 of 2	Veris	15/09/2020
Lease Area Survey	302474-HWY Rev 2 Sheet 2 of 2	Veris	15/09/2020

2. The areas shown to be set aside for vehicle access must be:
  - a. completed before the use of the development;
  - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
  - c. surfaced with a pervious dust free surface and drained in a manner that will not cause stormwater nuisance, and
  - d. constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
3. The vehicle crossover from the carriageway to the property boundary must be upgraded in accordance with the following and financed by the applicant:
  - a) Upgrade of the existing access to Department of State Growth requirements shall be undertaken, including sealing between the road seal edge and the property boundary. Details of the works must be provided to the Department for review and acceptance as part of a works permit application, see note.

NOTE: A valid works permit is required for all works undertaken in the State Road (Tasman Highway) reservation. Details of the permit process and application forms can be found at: [www.transport.tas.gov.au/roads\\_and\\_traffic\\_management/permits\\_and\\_bookings/new\\_or\\_altered\\_access\\_onto\\_a\\_road\\_driveways](http://www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings/new_or_altered_access_onto_a_road_driveways). Applications must be received by the Department of State Growth a minimum of twenty business days prior to the expected commencement date for works in order to allow sufficient time for the application to be assessed. No works are to be undertaken until a written permit has been issued.

4. No works are to commence on the crossover until an Access Works Permit has been issued by the Department of State Growth, Tasmania, for the crossover construction/upgrade.
5. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
6. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
7. 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. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
8. 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.
9. Standard Phytophthora hygiene measures must be implemented for the construction and maintenance of works in accordance with and using the Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania (DPIPWE 2015, Eds. K. Stewart & M. Askey-Doran. DPIPWE, Hobart, Tas).
10. Ensure that the telecommunication facility and associated equipment shelter is painted with a colour that blends with the adjacent bushland vegetation and complies with the colour range provided by Optus Mobiles Pty Ltd, namely 'Factory Grey' (monopole) and 'pale eucalypt' green.

## ADVICE

- Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.
- 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*

## DISCUSSION:

- The Planning Officer advised that the application was referred to the Department of State Growth.
- The Planning Officer stated that one (1) representation was received.
- The Planning Officer stated that an alternate site was considered but it did not have a suitable service outcome, long power routes and would have required extensive vegetation clearing. This site was chosen as it met all of the relevant criteria.

- Clr McGiveron stated that the application was straight forward it makes sense and meets all of the criteria.
- Clr McGuinness stated that he doesn't believe it is a major impediment to visuals.
- Clr Drummond stated that she is disappointed a suitable site on the western side of the road could not be found.

## COUNCIL DECISION:

### 01/21.6.1.2

Moved: Clr J McGiveron / Seconded: Clr G McGuinness

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **TELECOMMUNICATIONS TOWER** on land situated at **21174 TASMAN HIGHWAY, CHAIN OF LAGOONS** described in Certificate of Title 44178/1 be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans			
Plan / Document Name	Reference Number	Prepared By	Dated
Draft Site Layout	H0204-P1 Rev 1	Optus Mobiles Pty Ltd	25/03/2020
Draft Site Layout	H0204-P2 Rev 1	Optus Mobiles Pty Ltd	25/03/2020
Site Access Plan	H0204-P3 Rev 1	Optus Mobiles Pty Ltd	25/03/2020
Lease Area Survey	302474-HWY Rev 2 Sheet 1 of 2	Veris	15/09/2020
Lease Area Survey	302474-HWY Rev 2 Sheet 2 of 2	Veris	15/09/2020

2. The areas shown to be set aside for vehicle access must be:
  - a. completed before the use of the development;
  - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
  - c. surfaced with a pervious dust free surface and drained in a manner that will not cause stormwater nuisance, and
  - d. constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
3. The vehicle crossover from the carriageway to the property boundary must be upgraded in accordance with the following and financed by the applicant:
  - a) Upgrade of the existing access to Department of State Growth requirements shall be undertaken, including sealing between the road seal edge and the property boundary. Details of the works must be provided to the Department for review and acceptance as part of a works permit application, see note.

NOTE: A valid works permit is required for all works undertaken in the State Road (Tasman Highway) reservation. Details of the permit process and application forms can be found at: [www.transport.tas.gov.au/roads\\_and\\_traffic\\_management/permits\\_and\\_bookings/new\\_or\\_altered\\_access\\_onto\\_a\\_road\\_driveways](http://www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings/new_or_altered_access_onto_a_road_driveways). Applications must be received by the Department of State Growth a minimum of twenty business days prior to the expected commencement date for works in order to allow sufficient time for the application to be assessed. No works are to be undertaken until a written permit has been issued.

4. No works are to commence on the crossover until an Access Works Permit has been issued by the Department of State Growth, Tasmania, for the crossover construction/upgrade.
5. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
6. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
7. 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. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
8. 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.
9. Standard Phytophthora hygiene measures must be implemented for the construction and maintenance of works in accordance with and using the Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania (DPIPWE 2015, Eds. K. Stewart & M. Askey-Doran. DPIPWE, Hobart, Tas).
10. Ensure that the telecommunication facility and associated equipment shelter is painted with a colour that blends with the adjacent bushland vegetation and complies with the colour range provided by Optus Mobiles Pty Ltd, namely 'Factory Grey' (monopole) and 'pale eucalypt' green.

#### ADVICE

- Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.
- 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*

#### CARRIED UNANIMOUSLY

#### 01/21.6.2 DA 256-2020 – Dwelling & Shed – 13 Cobrooga Drive, St Helens

FILE REFERENCE	DA 256-2020
----------------	-------------

#### OFFICER'S RECOMMENDATION:

After due consideration of the representations received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **Dwelling and Shed** on land situated at **13 Cobrooga Drive, St Helens** described in Certificate of Title CT 140656/26 be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

<b>Approved Plans / Documents</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Site Plan, Proposed Ground Floor, Proposed First Floor, Elevations & Visuals	Project No: 0520GA Drawing No's: a03 - a07 and a09	Jennifer Binns	09.12.20 Revision 2
Shed Plans and Elevations – Building Layout	LTH2010007	Shedshomes	15/10/20

2. All stormwater runoff from the proposed buildings must be detained by on-site water storage systems and overflow disposed of by means to Council's reticulated network via one point of discharge only for the subject land that will not result in soil erosion or other stormwater nuisance.
3. 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.
4. Any damage that may occur to any Council infrastructure during the construction of the proposed dwelling and shed must be reinstated to the satisfaction of Council and at the cost of the developer.

#### **ADVICE**

- Council's Works and Infrastructure Department advice the following in relation to stormwater connection:  
"According to the original subdivision plans this property has a connection already in the north east corner of the block. The developer is requested to contact Councils Works Operations Manager prior to making a connection to this pit.
- 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. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
- Activities associated with 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*

#### **DISCUSSION:**

- The Planning Consultant advised that the original application submitted had two (2) performance criteria and related to the distance of the garage component of the dwelling to the frontage and the shed rear set back area.
- The Planning Consultant advised that one (1) representation was received and as a result the applicant has amended the plan based on the representation and this has reduced the performance criteria to be assessed back to just the rear set back of the shed.
- The Planning Consultant stated that concerns were raised in relation to the impact on the view however this cannot be considered as to how this affects the neighbour.

- Clr Osborne stated that the application meets all of the criteria.
- Clr LeFevre stated that he supports the Officers Recommendation and it is pleasing to see all parties working together to find a suitable outcome.
- Clr Whittaker stated that she noted comments by the representor however the plan is very similar to other houses in the area.

## COUNCIL DECISION:

**01/21.6.2.3**      Moved: Clr M Osborne / Seconded: Clr B LeFevre

After due consideration of the representations received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **Dwelling and Shed** on land situated at **13 Cobrooga Drive, St Helens** described in Certificate of Title CT 140656/26 be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan, Proposed Ground Floor, Proposed First Floor, Elevations & Visuals	Project No: 0520GA Drawing No's: a03 - a07 and a09	Jennifer Binns	09.12.20 Revision 2
Shed Plans and Elevations – Building Layout	LTH2010007	Shedsnhomes	15/10/20

2. All stormwater runoff from the proposed buildings must be detained by on-site water storage systems and overflow disposed of by means to Council's reticulated network via one point of discharge only for the subject land that will not result in soil erosion or other stormwater nuisance.
3. 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.
4. Any damage that may occur to any Council infrastructure during the construction of the proposed dwelling and shed must be reinstated to the satisfaction of Council and at the cost of the developer.

## ADVICE

- Council's Works and Infrastructure Department advice the following in relation to stormwater connection:  
"According to the original subdivision plans this property has a connection already in the north east corner of the block. The developer is requested to contact Councils Works Operations Manager prior to making a connection to this pit.
- 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. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.

- Activities associated with 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*

## CARRIED UNANIMOUSLY

### 01/21.6.3 DA 272-2020 – New Dwelling (Residential & Visitor) – 17 Maori Place, Akaroa

FILE REFERENCE	DA 272-2020
----------------	-------------

#### OFFICER'S RECOMMENDATION:

After due consideration of the representations received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **New Dwelling (Residential and Visitor Accommodation Use) and Shed** on land situated at **17 Maori Place, Akaroa** described in Certificate of Title CT 141769/107 be **APPROVED** subject to the following conditions:

- Development must accord with the Development Application DA 272-2020 received by Council 20 November 2020, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.
- All stormwater runoff from the proposed buildings must be detained by on-site water storage systems and overflow disposed of by means to Council's reticulated network via one point of discharge only for the subject land that will not result in soil erosion or other stormwater nuisance.  
Stormwater discharge should be connected to the back of the side entry pit in front of the property. The connection must be completed by a licenced plumber in consultation with Council's Works Operations Manager.  
A Works Permit is required before any work commences on the connection (application form attached).
- The areas shown to be set aside for vehicle access and car parking must be:
  - Completed prior to the use of the development commencing;
  - Designed and laid out in accordance with provisions of E6.0 of the *Break O'Day Interim Planning Scheme 2013*;
  - Provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
  - Surfaced and drained in a manner that will not cause nuisance to occupants of adjoining properties.
- Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
- An occupancy limitation of six (6) persons shall be applied to the Visitor Accommodation Use and restricted to the ground floor level only.
- No advertising signage is approved as a part of this permit; any future signage will be subject to a separate application should it be required.



7. Prior to the visitor accommodation use commencing on site, approved by this permit, the proponent must install signage identifying and designating a minimum of 1 car parking space within 17 Maori Place, Akaroa for the approved Visitor Accommodation Use.
8. 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.
9. Any damage that may occur to any Council infrastructure during the construction of the proposed dwelling and shed must be reinstated to the satisfaction of Council and at the cost of the developer.

## ADVICE

- This permit allows for the dual Residential Use and Visitor Accommodation Use of the first floor level only of the dwelling at CT 141769/107, 17 Maori Place, Akaroa.
- Use or development which may impact on Aboriginal cultural heritage is subject to the Aboriginal Relics Act 1975. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.
- 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. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Works Manager.
- Activities associated with 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*

## DISCUSSION:

- The Planning Consultant advised that there needs to be a correction to the first dot point in the "Advice" section provided in the "Officer's Recommendation" – the words "first floor" should be changed to "ground floor".
- The Planning Consultant advised that the dwelling meets all acceptable solutions. The shed in the north western corner is on an angle, the shed is residential size in scale and located lower than western neighbour.
- The Planning Consultant advised that two (2) representations were received.
- The Planning Consultant advised that the Proponent is prepared to accept an occupancy limit rate for the Visitor Accommodation, so a maximum of six (6) people limitation has been put in place as per condition 5.
- Cllr McGiveron stated that it is a good application and good assessment.



## COUNCIL DECISION:

### 01/21.6.3.4

Moved: Clr J McGiveron / Seconded: Clr M Osborne

After due consideration of the representations received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **New Dwelling (Residential and Visitor Accommodation Use) and Shed** on land situated at **17 Maori Place, Akaroa** described in Certificate of Title CT 141769/107 be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 272-2020 received by Council 20 November 2020, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.
2. All stormwater runoff from the proposed buildings must be detained by on-site water storage systems and overflow disposed of by means to Council's reticulated network via one point of discharge only for the subject land that will not result in soil erosion or other stormwater nuisance.  
Stormwater discharge should be connected to the back of the side entry pit in front of the property. The connection must be completed by a licenced plumber in consultation with Council's Works Operations Manager.  
A Works Permit is required before any work commences on the connection (application form attached).
3. The areas shown to be set aside for vehicle access and car parking must be:
  - a. Completed prior to the use of the development commencing;
  - b. Designed and laid out in accordance with provisions of E6.0 of the *Break O'Day Interim Planning Scheme 2013*;
  - c. Provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
  - d. Surfaced and drained in a manner that will not cause nuisance to occupants of adjoining properties.
4. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
5. An occupancy limitation of six (6) persons shall be applied to the Visitor Accommodation Use and restricted to the ground floor level only.
6. No advertising signage is approved as a part of this permit; any future signage will be subject to a separate application should it be required.
7. Prior to the visitor accommodation use commencing on site, approved by this permit, the proponent must install signage identifying and designating a minimum of 1 car parking space within 17 Maori Place, Akaroa for the approved Visitor Accommodation Use.
8. 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.
9. Any damage that may occur to any Council infrastructure during the construction of the proposed dwelling and shed must be reinstated to the satisfaction of Council and at the cost of the developer.

## ADVICE

- This permit allows for the dual Residential Use and Visitor Accommodation Use of the ground floor level only of the dwelling at CT 141769/107, 17 Maori Place, Akaroa.
- Use or development which may impact on Aboriginal cultural heritage is subject to the Aboriginal Relics Act 1975. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.
- 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. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Works Manager.
- Activities associated with 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*

## CARRIED UNANIMOUSLY

### 01/21.6.4 DA 077-2020 – Single Dwelling Lot 1 – Tasman Highway, St Helens

FILE REFERENCE	DA 077-2020
----------------	-------------

#### OFFICER'S RECOMMENDATION:

Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **SINGLE DWELLING LOT 1** on land situated at **LOT 1 (CT167498/1) – TASMAN HIGHWAY, ST HELENS** (with access over Volume 167498 Folios 2, 3, 4, 5, 6 & 8) be **APPROVED** subject to the following conditions:

1. Use and development must be substantially in accordance with the following endorsed plans and documents unless modified by a condition of this permit:
  - a) Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020;
  - b) Written Submission, MJ Architecture, Dated: 18 September 2020;
  - c) Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 16 March 2020; and
  - d) Flora and Fauna Habitat Assessment, NorthBarker Ecosystem Services, Dated: 13 March 2020.
2. All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed of by means that will not result in soil erosion or other stormwater nuisance in accordance with Part 14.4.1 A9 of the *Break O'Day Interim Planning Scheme 2013*.
3. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.

4. No native vegetation removal/modification is permitted outside that shown in Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020; and Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 16 March 2020.
5. All new planting must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site.
6. Plants listed in Appendix 3 of the *Break O'Day Interim Planning Scheme 2013* must not be used in landscaping.
7. Prior to any works commencing on site, a vegetation/weed management plan must be developed and a copy provided to Council, and therefore forming part of this approval to assist in the maintenance of vegetation condition on the subject lot. The vegetation/weed management plan must be prepared in accordance with all of the recommendations contained within the Flora and Fauna Habitat Assessment (section 6), prepared by NorthBarker Ecosystem Services, Dated: 13 March 2020.
8. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with Part 14.4.1 A7 of the *Break O'Day Interim Planning Scheme 2013*.
9. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. Works should be carried out strictly under the guidance of the attached Unanticipated Discovery Plan. If at any point during the proposed works Aboriginal heritage is suspected, works must cease immediately, and AHT must be contacted for advice. The Unanticipated Discovery Plan should be kept on site during the works to aid the proponent and their works personnel in meeting their obligations under the *Aboriginal Relics Act 1975* (the Act) in the event that Aboriginal heritage is identified.
10. 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.
11. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.
12. All conditions of this permit must be completed to the satisfaction of the responsible authority, prior to the occupancy of the dwelling on the subject site.

## ADVICE

- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
- 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. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.
- Activities associated with construction works are not to be performed outside the permissible time frame listed:
  - Monday-Friday 7am to 6pm*
  - Saturday 9am to 6pm*
  - Sunday and public holidays 10am to 6pm*

## DISCUSSION:

- The Planning Consultant advised that this application was referred to the DPIPWE Policy and Conservation Advice Branch (PCAB) and comments were provided directly back to the proponent.
- The Planning Consultant advised that removal of vegetation will be minimised.
- The Planning Consultant advised that the application was assessed at BAL 29 which is the highest level an independent assessor can assess therefore the bushfire mitigation is high.
- The Planning Consultant advised that the Department of State Growth have consented to the application being made.
- The Planning Consultant advised that the assessment was undertaken against the Biodiversity Code as there is some vegetation removal required.
- The Planning Consultant advised that two (2) representations were received from individuals and a letter from Aboriginal Heritage Tasmania, further correspondence was received from Parks and Wildlife Services (PWS) outside of the statutory period. The correspondence from PWS noted a number of their concerns and recommendations have been covered in the assessment it will just not allow them any appeal rights. PWS noted also that by putting dwellings on these sites this will detract the public access into this area and the conservation area as well. The other representations raised concerns in relation to scenic values of coastline, New Holland mouse and lack of Aboriginal Heritage assessment.
- The Planning Consultant stated that there is only a small percentage of vegetation that could have the New Holland mouse.
- The Planning Consultant advised that there was an Aboriginal Heritage Report that accompanied the application and this identified all Aboriginal Heritage sites.
- The Planning Consultant stated that the Planning Scheme was prepared to be consistent with the State Coastal Policy. No further assessment against the Policy required.
- The Planning Consultant stated that Aboriginal Heritage Tasmania had concerns in regards to how works were to be undertaken.
- The Planning Consultant stated that there are conditions with regards to complying with the bushfire report, vegetation clearance as well as the need for a weed and vegetation management plan as well as outlining processes for working with Aboriginal Heritage when construction commences.
- Clr LeFevre stated that he is supportive of the application noting the comprehensive assessment and conditions.
- Clr McGiveron stated that he agrees with Clr LeFevre.
- Clr Wright stated that she has concerns with regard to the area between St Helens Point and Tasman Highway. This is a wildlife corridor and she is concerned that this development is going to impinge on this. Clr Wright raised concerns with regard to the State Coastal Policy as this application does represent ribbon development, if it is going to be approved it needs further conditioning with regard to fencing, cats, dogs, etc. The Planning Consultant stated that it is difficult as residential is a permitted use and with ribbon development we need to consider each application on its merits and as a Planning Authority we need to consider one (1) application at a time. The Planning Consultant stated that she agrees that it is within 1km of the coast, in terms of fencing it is difficult it is a 152ha site how do we manage fencing in the scale of this, however there are a number of types of fencing that do allow wildlife to pass through. The Planning Consultant stated that she understands concerns and they are noted but she can't condition this if it is not a consideration of the Planning Scheme. Clr Wright stated that all of the applications are all by the one (1) owner it is still one (1)

development in a sense. Mayor Tucker stated that the owner could sell eight (8) titles for this and there could be eight (8) different owners, it is an individual application that we are dealing with.

- Clr McGuinness stated that the application is better as preservation of that land than it is currently, with people basically accessing through to the beach through middens, etc this is a far preferable outcome than what we currently have.
- Clr Drummond stated that she supports what Clr Wright has already stated. The Tasmanian State Coastal Policy sections 2.4.1 and 2.4.2 should apply, whilst we are looking at this as a single property she has fears around allowing cluster development or ribbon development. For her she would like to see this more explicably stated in our Land Use Strategy. Clr Drummond also stated that she read the PWS letter and interpreted it differently to the Planning Consultant in the sense that the development would have implications. The Planning Consultant stated that she has spoken to the author of the letter and it was clear from those conversations that their preference was this development rather than the current adhoc use of the area. The Planning Consultant stated that at present the zoning of this site is Environmental Living and the Parkside application was to in essence extend the residential boundary of that particular area.
- Clr Whittaker noted comments made from the referral from DPIPWE that they noted comment was previously sought on a larger proposal at this location not one (1) lot. The Planning Consultant advised that PCAB is not an agency that we must refer to, further to that we did refer the other applications as well, we wanted to make sure there were not further concerns from the Ramsar site.
- Clr Drummond stated that we need to explicably include the condition of non-local provenance species. The General Manager stated that conditions 5, 6 and 7 cover this. The Planning Consultant stated that the wording of the advice is worded quite differently to the conditions.

#### COUNCIL DECISION:

**01/21.6.4.5**                      Moved: Clr B LeFevre / Seconded: Clr J McGiveron

Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **SINGLE DWELLING LOT 1** on land situated at **LOT 1 (CT167498/1) – TASMAN HIGHWAY, ST HELENS** (with access over Volume 167498 Folios 2, 3, 4, 5, 6 & 8) be **APPROVED** subject to the following conditions:

1. Use and development must be substantially in accordance with the following endorsed plans and documents unless modified by a condition of this permit:
  - a) Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020;
  - b) Written Submission, MJ Architecture, Dated: 18 September 2020;
  - c) Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 16 March 2020; and
  - d) Flora and Fauna Habitat Assessment, NorthBarker Ecosystem Services, Dated: 13 March 2020.

2. All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed of by means that will not result in soil erosion or other stormwater nuisance in accordance with Part 14.4.1 A9 of the *Break O'Day Interim Planning Scheme 2013*.
3. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
4. No native vegetation removal/modification is permitted outside that shown in Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020; and Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 16 March 2020.
5. All new planting must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site.
6. Plants listed in Appendix 3 of the *Break O'Day Interim Planning Scheme 2013* must not be used in landscaping.
7. Prior to any works commencing on site, a vegetation/weed management plan must be developed and a copy provided to Council, and therefore forming part of this approval to assist in the maintenance of vegetation condition on the subject lot. The vegetation/weed management plan must be prepared in accordance with all of the recommendations contained within the Flora and Fauna Habitat Assessment (section 6), prepared by NorthBarker Ecosystem Services, Dated: 13 March 2020.
8. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with Part 14.4.1 A7 of the *Break O'Day Interim Planning Scheme 2013*.
9. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. Works should be carried out strictly under the guidance of the attached Unanticipated Discovery Plan. If at any point during the proposed works Aboriginal heritage is suspected, works must cease immediately, and AHT must be contacted for advice. The Unanticipated Discovery Plan should be kept on site during the works to aid the proponent and their works personnel in meeting their obligations under the *Aboriginal Relics Act 1975* (the Act) in the event that Aboriginal heritage is identified.
10. 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.
11. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.
12. All conditions of this permit must be completed to the satisfaction of the responsible authority, prior to the occupancy of the dwelling on the subject site.

## ADVICE

- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
- 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. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.



- Activities associated with construction works are not to be performed outside the permissible time frame listed:  
*Monday-Friday 7am to 6pm*  
*Saturday 9am to 6pm*  
*Sunday and public holidays 10am to 6pm*

**FOR** Clr J McGiveron, Clr M Osborne, Clr G McGuinness, Clr B LeFevre, Clr M Tucker  
**AGAINST** Clr L Whittaker, Clr K Wright, Clr K Chapple, Clr J Drummond  
**CARRIED**

## 01/21.6.5 DA 078-2020 – Single Dwelling Lot 2 – Tasman Highway, St Helens

<b>FILE REFERENCE</b>	DA 078-2020
-----------------------	-------------

### OFFICER'S RECOMMENDATION:

Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **SINGLE DWELLING LOT 2** on land situated at **LOT 2 (CT167498/2) – TASMAN HIGHWAY, ST HELENS** (with access over Volume 167498 Folios 3, 4, 5, 6 & 8) be **APPROVED** subject to the following conditions:

- Use and development must be substantially in accordance with the following endorsed plans and documents unless modified by a condition of this permit:
  - Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020;
  - Written Submission, MJ Architecture, Dated: 18 September 2020;
  - Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 16 March 2020; and
  - Flora and Fauna Habitat Assessment, NorthBarker Ecosystem Services, Dated: 13 March 2020.
- All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed of by means that will not result in soil erosion or other stormwater nuisance in accordance with Part 14.4.1 A9 of the *Break O'Day Interim Planning Scheme 2013*.
- Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
- No native vegetation removal/modification is permitted outside that shown in Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020; and Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 16 March 2020;
- All new planting must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site.
- Plants listed in Appendix 3 of the *Break O'Day Interim Planning Scheme 2013* must not be used in landscaping.

7. Prior to any works commencing on site, a vegetation/weed management plan must be developed and a copy provided to Council, and therefore forming part of this approval to assist in the maintenance of vegetation condition on the subject lot. The vegetation/weed management plan must be prepared in accordance with all of the recommendations contained within the Flora and Fauna Habitat Assessment (section 6), prepared by NorthBarker Ecosystem Services, Dated: 13 March 2020.
8. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with Part 14.4.1 A7 of the *Break O'Day Interim Planning Scheme 2013*.
9. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. Works should be carried out strictly under the guidance of the attached Unanticipated Discovery Plan. If at any point during the proposed works Aboriginal heritage is suspected, works must cease immediately, and AHT must be contacted for advice. The Unanticipated Discovery Plan should be kept on site during the works to aid the proponent and their works personnel in meeting their obligations under the *Aboriginal Relics Act 1975* (the Act) in the event that Aboriginal heritage is identified.
10. 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
11. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.
12. All conditions of this permit must be completed to the satisfaction of the responsible authority, prior to the occupancy of the dwelling on the subject site.

## ADVICE

- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
- 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. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.
- Activities associated with construction works are not to be performed outside the permissible time frame listed:
  - Monday-Friday 7am to 6pm*
  - Saturday 9am to 6pm*
  - Sunday and public holidays 10am to 6pm*

## DISCUSSION:

- The Planning Consultant stated that there were four (4) performance criteria for this application and the outcome is in assessment report.
- The Planning Consultant stated that the site is 155.6ha in area.
- The Planning Consultant stated that PCAB have also looked at this site.
- Cllr LeFevre stated that he supports the officer's comprehensive report.



- Cllr Wright stated that she has the same concerns raised previously with regard to wildlife corridor and flora and fauna.

#### COUNCIL DECISION:

##### 01/21.6.5.6                      Moved: Cllr B LeFevre / Seconded: Cllr M Osborne

Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **SINGLE DWELLING LOT 2** on land situated at **LOT 2 (CT167498/2) – TASMAN HIGHWAY, ST HELENS** (with access over Volume 167498 Folios 3, 4, 5, 6 & 8) be **APPROVED** subject to the following conditions:

1. Use and development must be substantially in accordance with the following endorsed plans and documents unless modified by a condition of this permit:
  - a) Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020;
  - b) Written Submission, MJ Architecture, Dated: 18 September 2020;
  - c) Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 16 March 2020; and
  - d) Flora and Fauna Habitat Assessment, NorthBarker Ecosystem Services, Dated: 13 March 2020.
2. All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed of by means that will not result in soil erosion or other stormwater nuisance in accordance with Part 14.4.1 A9 of the *Break O'Day Interim Planning Scheme 2013*.
3. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
4. No native vegetation removal/modification is permitted outside that shown in Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020; and Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 16 March 2020;
5. All new planting must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site.
6. Plants listed in Appendix 3 of the *Break O'Day Interim Planning Scheme 2013* must not be used in landscaping.
7. Prior to any works commencing on site, a vegetation/weed management plan must be developed and a copy provided to Council, and therefore forming part of this approval to assist in the maintenance of vegetation condition on the subject lot. The vegetation/weed management plan must be prepared in accordance with all of the recommendations contained within the Flora and Fauna Habitat Assessment (section 6), prepared by NorthBarker Ecosystem Services, Dated: 13 March 2020.
8. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with Part 14.4.1 A7 of the *Break O'Day Interim Planning Scheme 2013*.

9. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. Works should be carried out strictly under the guidance of the attached Unanticipated Discovery Plan. If at any point during the proposed works Aboriginal heritage is suspected, works must cease immediately, and AHT must be contacted for advice. The Unanticipated Discovery Plan should be kept on site during the works to aid the proponent and their works personnel in meeting their obligations under the *Aboriginal Relics Act 1975* (the Act) in the event that Aboriginal heritage is identified.
10. 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
11. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.
12. All conditions of this permit must be completed to the satisfaction of the responsible authority, prior to the occupancy of the dwelling on the subject site.

#### ADVICE

- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
- 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. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.
- Activities associated with construction works are not to be performed outside the permissible time frame listed:  
*Monday-Friday 7am to 6pm*  
*Saturday 9am to 6pm*  
*Sunday and public holidays 10am to 6pm*

**FOR** Clr J McGiveron, Clr M Osborne, Clr G McGuinness, Clr B LeFevre, Clr M Tucker  
**AGAINST** Clr L Whittaker, Clr K Wright, Clr K Chapple, Clr J Drummond  
**CARRIED**

#### 01/21.6.6 DA 079-2020 – Single Dwelling Lot 3 – Tasman Highway, St Helens

<b>FILE REFERENCE</b>	DA 079-2020
-----------------------	-------------

#### OFFICER'S RECOMMENDATION:

Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **SINGLE DWELLING LOT 3** on land situated at **LOT 3 (CT167498/3) – TASMAN HIGHWAY, ST HELENS** (with access over Volume 167498 Folios 2, 4, 5, 6 & 8) be **APPROVED** subject to the following conditions:

1. Use and development must be substantially in accordance with the following endorsed plans and documents unless modified by a condition of this permit:

- a) Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020;
  - b) Written Submission, MJ Architecture, Dated: 18 September 2020;
  - c) Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 9 February 2020; and
  - d) Flora and Fauna Habitat Assessment, NorthBarker Ecosystem Services, Dated: 13 March 2020.
2. All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed of by means that will not result in soil erosion or other stormwater nuisance in accordance with Part 14.4.1 A9 of the *Break O'Day Interim Planning Scheme 2013*.
  3. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
  4. No native vegetation removal/modification is permitted outside that shown in Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020; and Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 9 February 2020;
  5. All new planting must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site.
  6. Plants listed in Appendix 3 of the *Break O'Day Interim Planning Scheme 2013* must not be used in landscaping.
  7. Prior to any works commencing on site, a vegetation/weed management plan must be developed and a copy provided to Council, and therefore forming part of this approval to assist in the maintenance of vegetation condition on the subject lot. The vegetation/weed management plan must be prepared in accordance with all of the recommendations contained within the Flora and Fauna Habitat Assessment (section 6), prepared by NorthBarker Ecosystem Services, Dated: 13 March 2020.
  8. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with Part 14.4.1 A7 of the *Break O'Day Interim Planning Scheme 2013*.
  9. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. Works should be carried out strictly under the guidance of the attached Unanticipated Discovery Plan. If at any point during the proposed works Aboriginal heritage is suspected, works must cease immediately, and AHT must be contacted for advice. The Unanticipated Discovery Plan should be kept on site during the works to aid the proponent and their works personnel in meeting their obligations under the *Aboriginal Relics Act 1975* (the Act) in the event that Aboriginal heritage is identified.
  10. 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
  11. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.
  12. All conditions of this permit must be completed to the satisfaction of the responsible authority, prior to the occupancy of the dwelling on the subject site.

## ADVICE

- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
- 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. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.
- Activities associated with construction works are not to be performed outside the permissible time frame listed:
  - Monday-Friday 7am to 6pm*
  - Saturday 9am to 6pm*
  - Sunday and public holidays 10am to 6pm*
- CAS notes that the Flora and Fauna Habitat Assessment states that 1.11 hectares of native vegetation (non-threatened vegetation communities) and 0.1 hectares of Tasmanian threatened native vegetation community *Eucalyptus Viminalis* – *Eucalyptus Globulus* Coastal Forest and Woodland (DVC) will be cleared with the one threatened flora species recorded onsite not being impacted. CAS notes that clearing of this threatened native vegetation community has been kept to the minimum necessary for the widening of existing access routes to comply with bushfire hazard management. Threatened native vegetation communities can be cleared with Council approval, however consideration should be given to the extent of the community in the area and the overall impact each clearance will have before permitting clearance.

This Tasmanian threatened native vegetation community may also support important habitat for the swift parrot, listed as endangered under the TSPA and EPBCA. Clearing of this vegetation type should be avoided during swift parrot breeding season (September to January) if the species is breeding in the area or at other times if swift parrots are using the area.

## DISCUSSION:

- The Planning Consultant stated that comments previously made apply.
- Cllr Wright stated she has the same concerns as raised previously.

## COUNCIL DECISION:

**01/21.6.6.7**                      Moved: Cllr J McGiveron / Seconded: Cllr B LeFevre

Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **SINGLE DWELLING LOT 3** on land situated at **LOT 3 (CT167498/3) – TASMAN HIGHWAY, ST HELENS** (with access over Volume 167498 Folios 2, 4, 5, 6 & 8) be **APPROVED** subject to the following conditions:

1. Use and development must be substantially in accordance with the following endorsed plans and documents unless modified by a condition of this permit:

- a) Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020;
  - b) Written Submission, MJ Architecture, Dated: 18 September 2020;
  - c) Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 9 February 2020; and
  - d) Flora and Fauna Habitat Assessment, NorthBarker Ecosystem Services, Dated: 13 March 2020.
2. All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed of by means that will not result in soil erosion or other stormwater nuisance in accordance with Part 14.4.1 A9 of the *Break O'Day Interim Planning Scheme 2013*.
  3. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
  4. No native vegetation removal/modification is permitted outside that shown in Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020; and Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 9 February 2020;
  5. All new planting must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site.
  6. Plants listed in Appendix 3 of the *Break O'Day Interim Planning Scheme 2013* must not be used in landscaping.
  7. Prior to any works commencing on site, a vegetation/weed management plan must be developed and a copy provided to Council, and therefore forming part of this approval to assist in the maintenance of vegetation condition on the subject lot. The vegetation/weed management plan must be prepared in accordance with all of the recommendations contained within the Flora and Fauna Habitat Assessment (section 6), prepared by NorthBarker Ecosystem Services, Dated: 13 March 2020.
  8. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with Part 14.4.1 A7 of the *Break O'Day Interim Planning Scheme 2013*.
  9. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. Works should be carried out strictly under the guidance of the attached Unanticipated Discovery Plan. If at any point during the proposed works Aboriginal heritage is suspected, works must cease immediately, and AHT must be contacted for advice. The Unanticipated Discovery Plan should be kept on site during the works to aid the proponent and their works personnel in meeting their obligations under the *Aboriginal Relics Act 1975* (the Act) in the event that Aboriginal heritage is identified.
  10. 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
  11. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.
  12. All conditions of this permit must be completed to the satisfaction of the responsible authority, prior to the occupancy of the dwelling on the subject site.

## ADVICE

- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
- 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. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.
- Activities associated with construction works are not to be performed outside the permissible time frame listed:
  - Monday-Friday 7am to 6pm*
  - Saturday 9am to 6pm*
  - Sunday and public holidays 10am to 6pm*
- CAS notes that the Flora and Fauna Habitat Assessment states that 1.11 hectares of native vegetation (non-threatened vegetation communities) and 0.1 hectares of Tasmanian threatened native vegetation community *Eucalyptus Viminalis* – *Eucalyptus Globulus* Coastal Forest and Woodland (DVC) will be cleared with the one threatened flora species recorded onsite not being impacted. CAS notes that clearing of this threatened native vegetation community has been kept to the minimum necessary for the widening of existing access routes to comply with bushfire hazard management. Threatened native vegetation communities can be cleared with Council approval, however consideration should be given to the extent of the community in the area and the overall impact each clearance will have before permitting clearance.

This Tasmanian threatened native vegetation community may also support important habitat for the swift parrot, listed as endangered under the TSPA and EPBCA. Clearing of this vegetation type should be avoided during swift parrot breeding season (September to January) if the species is breeding in the area or at other times if swift parrots are using the area.

**FOR** Clr J McGiveron, Clr M Osborne, Clr G McGuinness, Clr B LeFevre, Clr M Tucker  
**AGAINST** Clr L Whittaker, Clr K Wright, Clr K Chapple, Clr J Drummond  
**CARRIED**

### 01/21.6.7 DA 080-2020 – Single Dwelling Lot 4 – Tasman Highway, St Helens

FILE REFERENCE	DA 080-2020
----------------	-------------

#### OFFICER'S RECOMMENDATION:

Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **SINGLE DWELLING LOT 4** on land situated at **LOT 4 (CT167498/4) – TASMAN HIGHWAY, ST HELENS** (with access over Volume 167498 Folios 2, 3, 5, 6 & 8) be **APPROVED** subject to the following conditions:



1. Use and development must be substantially in accordance with the following endorsed plans and documents unless modified by a condition of this permit:
  - a) Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020;
  - b) Written Submission, MJ Architecture, Dated: 18 September 2020;
  - c) Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 17 March 2020; and
  - d) Flora and Fauna Habitat Assessment, NorthBarker Ecosystem Services, Dated: 13 March 2020.
2. All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed of by means that will not result in soil erosion or other stormwater nuisance in accordance with Part 14.4.1 A9 of the *Break O'Day Interim Planning Scheme 2013*.
3. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
4. No native vegetation removal/modification is permitted outside that shown in Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020; and Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 17 March 2020;
5. All new planting must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site.
6. Plants listed in Appendix 3 of the *Break O'Day Interim Planning Scheme 2013* must not be used in landscaping.
7. Prior to any works commencing on site, a vegetation/weed management plan must be developed and a copy provided to Council, and therefore forming part of this approval to assist in the maintenance of vegetation condition on the subject lot. The vegetation/weed management plan must be prepared in accordance with all of the recommendations contained within the Flora and Fauna Habitat Assessment (section 6), prepared by NorthBarker Ecosystem Services, Dated: 13 March 2020.
8. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with Part 14.4.1 A7 of the *Break O'Day Interim Planning Scheme 2013*.
9. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. Works should be carried out strictly under the guidance of the attached Unanticipated Discovery Plan. If at any point during the proposed works Aboriginal heritage is suspected, works must cease immediately, and AHT must be contacted for advice. The Unanticipated Discovery Plan should be kept on site during the works to aid the proponent and their works personnel in meeting their obligations under the *Aboriginal Relics Act 1975* (the Act) in the event that Aboriginal heritage is identified.
10. 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
11. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.
12. All conditions of this permit must be completed to the satisfaction of the responsible authority, prior to the occupancy of the dwelling on the subject site.

## ADVICE

- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
- 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. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.
- Activities associated with construction works are not to be performed outside the permissible time frame listed:  
*Monday-Friday 7am to 6pm*  
*Saturday 9am to 6pm*  
*Sunday and public holidays 10am to 6pm*

## DISCUSSION:

- The Planning Consultant stated that there were four (4) performance criteria for this application and the outcome is in assessment report.
- The Planning Consultant stated that the site is 37.6ha in area.
- The Planning Consultant advised that two (2) representations were received.
- Cllr LeFevre stated that his comments are the same as previously mention.
- Cllr Drummond stated that her concerns are the same as previously mentioned.

## COUNCIL DECISION:

**01/21.6.7.8**                      Moved: Cllr B LeFevre / Seconded: Cllr M Osborne

Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **SINGLE DWELLING LOT 4** on land situated at **LOT 4 (CT167498/4) – TASMAN HIGHWAY, ST HELENS** (with access over Volume 167498 Folios 2, 3, 5, 6 & 8) be **APPROVED** subject to the following conditions:

1. Use and development must be substantially in accordance with the following endorsed plans and documents unless modified by a condition of this permit:
  - a) Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020;
  - b) Written Submission, MJ Architecture, Dated: 18 September 2020;
  - c) Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 17 March 2020; and
  - d) Flora and Fauna Habitat Assessment, NorthBarker Ecosystem Services, Dated: 13 March 2020.
2. All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed of by means that will not result in soil erosion or other stormwater nuisance in accordance with Part 14.4.1 A9 of the *Break O'Day Interim Planning Scheme 2013*.
3. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.



4. No native vegetation removal/modification is permitted outside that shown in Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020; and Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 17 March 2020;
5. All new planting must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site.
6. Plants listed in Appendix 3 of the *Break O'Day Interim Planning Scheme 2013* must not be used in landscaping.
7. Prior to any works commencing on site, a vegetation/weed management plan must be developed and a copy provided to Council, and therefore forming part of this approval to assist in the maintenance of vegetation condition on the subject lot. The vegetation/weed management plan must be prepared in accordance with all of the recommendations contained within the Flora and Fauna Habitat Assessment (section 6), prepared by NorthBarker Ecosystem Services, Dated: 13 March 2020.
8. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with Part 14.4.1 A7 of the *Break O'Day Interim Planning Scheme 2013*.
9. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. Works should be carried out strictly under the guidance of the attached Unanticipated Discovery Plan. If at any point during the proposed works Aboriginal heritage is suspected, works must cease immediately, and AHT must be contacted for advice. The Unanticipated Discovery Plan should be kept on site during the works to aid the proponent and their works personnel in meeting their obligations under the *Aboriginal Relics Act 1975* (the Act) in the event that Aboriginal heritage is identified.
10. 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
11. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.
12. All conditions of this permit must be completed to the satisfaction of the responsible authority, prior to the occupancy of the dwelling on the subject site.

## ADVICE

- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
- 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. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.
- Activities associated with construction works are not to be performed outside the permissible time frame listed:
  - Monday-Friday 7am to 6pm*
  - Saturday 9am to 6pm*
  - Sunday and public holidays 10am to 6pm*

**FOR** Clr J McGiveron, Clr M Osborne, Clr G McGuinness, Clr B LeFevre, Clr M Tucker  
**AGAINST** Clr L Whittaker, Clr K Wright, Clr K Chapple, Clr J Drummond  
**CARRIED**

**01/21.6.8 DA 081-2020 – Single Dwelling Lot 5 – Tasman Highway, St Helens**

<b>FILE REFERENCE</b>	DA 081-2020
-----------------------	-------------

**OFFICER'S RECOMMENDATION:**

Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **SINGLE DWELLING LOT 5** on land situated at **LOT 5 (CT167498/5) – TASMAN HIGHWAY, ST HELENS** (with access over Volume 167498 Folios 2, 3, 4, 6 & 8) be **APPROVED** subject to the following conditions:

1. Use and development must be substantially in accordance with the following endorsed plans and documents unless modified by a condition of this permit:
  - a) Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020;
  - b) Written Submission, MJ Architecture, Dated: 18 September 2020;
  - c) Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 16 March 2020; and
  - d) Flora and Fauna Habitat Assessment, NorthBarker Ecosystem Services, Dated: 13 March 2020.
2. All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed of by means that will not result in soil erosion or other stormwater nuisance in accordance with Part 14.4.1 A9 of the *Break O'Day Interim Planning Scheme 2013*.
3. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
4. No native vegetation removal/modification is permitted outside that shown in Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020; and Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 16 March 2020;
5. All new planting must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site.
6. Plants listed in Appendix 3 of the *Break O'Day Interim Planning Scheme 2013* must not be used in landscaping.
7. Prior to any works commencing on site, a vegetation/weed management plan must be developed and a copy provided to Council, and therefore forming part of this approval to assist in the maintenance of vegetation condition on the subject lot. The vegetation/weed management plan must be prepared in accordance with all of the recommendations contained within the Flora and Fauna Habitat Assessment (section 6), prepared by NorthBarker Ecosystem Services, Dated: 13 March 2020.
8. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with Part 14.4.1 A7 of the *Break O'Day Interim Planning Scheme 2013*.

9. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. Works should be carried out strictly under the guidance of the attached Unanticipated Discovery Plan. If at any point during the proposed works Aboriginal heritage is suspected, works must cease immediately, and AHT must be contacted for advice. The Unanticipated Discovery Plan should be kept on site during the works to aid the proponent and their works personnel in meeting their obligations under the *Aboriginal Relics Act 1975* (the Act) in the event that Aboriginal heritage is identified.
10. 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
11. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.
12. All conditions of this permit must be completed to the satisfaction of the responsible authority, prior to the occupancy of the dwelling on the subject site.

#### ADVICE

- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
- 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. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.
- Activities associated with construction works are not to be performed outside the permissible time frame listed:
  - Monday-Friday 7am to 6pm*
  - Saturday 9am to 6pm*
  - Sunday and public holidays 10am to 6pm*

#### DISCUSSION:

- The Planning Consultant stated that there were four (4) performance criteria for this application and the outcome is in assessment report.
- The Planning Consultant stated that the site is 42.12ha in area.
- The Planning Consultant advised that representations and out of time representations were the same as previously mentioned.
- Clr LeFevre and Clr McGiveron stated that their comments are the same as previously mentioned.

#### COUNCIL DECISION:

**01/21.6.8.9**                      Moved: Clr J McGiveron / Seconded: Clr B LeFevre

Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **SINGLE DWELLING LOT 5** on land situated at **LOT 5 (CT167498/5) – TASMAN HIGHWAY, ST HELENS** (with access over Volume 167498 Folios 2, 3, 4, 6 & 8) be **APPROVED** subject to the following conditions:

1. Use and development must be substantially in accordance with the following endorsed plans and documents unless modified by a condition of this permit:
  - a) Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020;
  - b) Written Submission, MJ Architecture, Dated: 18 September 2020;
  - c) Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 16 March 2020; and
  - d) Flora and Fauna Habitat Assessment, NorthBarker Ecosystem Services, Dated: 13 March 2020.
2. All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed of by means that will not result in soil erosion or other stormwater nuisance in accordance with Part 14.4.1 A9 of the *Break O'Day Interim Planning Scheme 2013*.
3. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
4. No native vegetation removal/modification is permitted outside that shown in Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020; and Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 16 March 2020;
5. All new planting must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site.
6. Plants listed in Appendix 3 of the *Break O'Day Interim Planning Scheme 2013* must not be used in landscaping.
7. Prior to any works commencing on site, a vegetation/weed management plan must be developed and a copy provided to Council, and therefore forming part of this approval to assist in the maintenance of vegetation condition on the subject lot. The vegetation/weed management plan must be prepared in accordance with all of the recommendations contained within the Flora and Fauna Habitat Assessment (section 6), prepared by NorthBarker Ecosystem Services, Dated: 13 March 2020.
8. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with Part 14.4.1 A7 of the *Break O'Day Interim Planning Scheme 2013*.
9. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. Works should be carried out strictly under the guidance of the attached Unanticipated Discovery Plan. If at any point during the proposed works Aboriginal heritage is suspected, works must cease immediately, and AHT must be contacted for advice. The Unanticipated Discovery Plan should be kept on site during the works to aid the proponent and their works personnel in meeting their obligations under the *Aboriginal Relics Act 1975* (the Act) in the event that Aboriginal heritage is identified.
10. 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
11. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.
12. All conditions of this permit must be completed to the satisfaction of the responsible authority, prior to the occupancy of the dwelling on the subject site.

## ADVICE

- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
- 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. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.
- Activities associated with construction works are not to be performed outside the permissible time frame listed:  
*Monday-Friday 7am to 6pm*  
*Saturday 9am to 6pm*  
*Sunday and public holidays 10am to 6pm*

**FOR** Clr J McGiveron, Clr M Osborne, Clr G McGuinness, Clr B LeFevre, Clr M Tucker  
**AGAINST** Clr L Whittaker, Clr K Wright, Clr K Chapple, Clr J Drummond  
**CARRIED**

### 01/21.6.9 DA 082-2020 – Single Dwelling Lot 6 – Tasman Highway, St Helens

<b>FILE REFERENCE</b>	DA 082-2020
-----------------------	-------------

#### OFFICER'S RECOMMENDATION:

Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **SINGLE DWELLING LOT 6** on land situated at **LOT 6 (CT167498/6) – TASMAN HIGHWAY, ST HELENS** (with access over Volume 167498 Folios 2, 3, 4, 5 & 8) be APPROVED subject to the following conditions:

1. Use and development must be substantially in accordance with the following endorsed plans and documents unless modified by a condition of this permit:
  - a) Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020;
  - b) Written Submission, MJ Architecture, Dated: 18 September 2020;
  - c) Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 16 March 2020; and
  - d) Flora and Fauna Habitat Assessment, NorthBarker Ecosystem Services, Dated: 13 March 2020.
2. All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed of by means that will not result in soil erosion or other stormwater nuisance in accordance with Part 14.4.1 A9 of the *Break O'Day Interim Planning Scheme 2013*.
3. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.

4. No native vegetation removal/modification is permitted outside that shown in Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020; and Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 16 March 2020;
5. All new planting must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site.
6. Plants listed in Appendix 3 of the *Break O'Day Interim Planning Scheme 2013* must not be used in landscaping.
7. Prior to any works commencing on site, a vegetation/weed management plan must be developed and a copy provided to Council, and therefore forming part of this approval to assist in the maintenance of vegetation condition on the subject lot. The vegetation/weed management plan must be prepared in accordance with all of the recommendations contained within the Flora and Fauna Habitat Assessment (section 6), prepared by NorthBarker Ecosystem Services, Dated: 13 March 2020.
8. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with Part 14.4.1 A7 of the *Break O'Day Interim Planning Scheme 2013*.
9. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. Works should be carried out strictly under the guidance of the attached Unanticipated Discovery Plan. If at any point during the proposed works Aboriginal heritage is suspected, works must cease immediately, and AHT must be contacted for advice. The Unanticipated Discovery Plan should be kept on site during the works to aid the proponent and their works personnel in meeting their obligations under the *Aboriginal Relics Act 1975* (the Act) in the event that Aboriginal heritage is identified.
10. 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
11. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.
12. All conditions of this permit must be completed to the satisfaction of the responsible authority, prior to the occupancy of the dwelling on the subject site.

## ADVICE

- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
- 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. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.
- Activities associated with construction works are not to be performed outside the permissible time frame listed:
  - Monday-Friday 7am to 6pm*
  - Saturday 9am to 6pm*
  - Sunday and public holidays 10am to 6pm*



## DISCUSSION:

- The Planning Consultant stated that there were four (4) performance criteria for this application and the outcome is in assessment report.
- The Planning Consultant stated that the site is 41.33ha in area.
- The Planning Consultant advised that representations were addressed previously.
- Cllr LeFevre stated that his comments are the same as previously mentioned.

## COUNCIL DECISION:

**01/21.6.9.10**

Moved: Cllr B LeFevre / Seconded: Cllr M Osborne

Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **SINGLE DWELLING LOT 6** on land situated at **LOT 6 (CT167498/6) – TASMAN HIGHWAY, ST HELENS** (with access over Volume 167498 Folios 2, 3, 4, 5 & 8) be APPROVED subject to the following conditions:

1. Use and development must be substantially in accordance with the following endorsed plans and documents unless modified by a condition of this permit:
  - a) Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020;
  - b) Written Submission, MJ Architecture, Dated: 18 September 2020;
  - c) Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 16 March 2020; and
  - d) Flora and Fauna Habitat Assessment, NorthBarker Ecosystem Services, Dated: 13 March 2020.
2. All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed of by means that will not result in soil erosion or other stormwater nuisance in accordance with Part 14.4.1 A9 of the *Break O'Day Interim Planning Scheme 2013*.
3. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
4. No native vegetation removal/modification is permitted outside that shown in Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020; and Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 16 March 2020;
5. All new planting must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site.
6. Plants listed in Appendix 3 of the *Break O'Day Interim Planning Scheme 2013* must not be used in landscaping.
7. Prior to any works commencing on site, a vegetation/weed management plan must be developed and a copy provided to Council, and therefore forming part of this approval to assist in the maintenance of vegetation condition on the subject lot. The vegetation/weed management plan must be prepared in accordance with all of the recommendations contained within the Flora and Fauna Habitat Assessment (section 6), prepared by NorthBarker Ecosystem Services, Dated: 13 March 2020.

8. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with Part 14.4.1 A7 of the *Break O'Day Interim Planning Scheme 2013*.
9. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. Works should be carried out strictly under the guidance of the attached Unanticipated Discovery Plan. If at any point during the proposed works Aboriginal heritage is suspected, works must cease immediately, and AHT must be contacted for advice. The Unanticipated Discovery Plan should be kept on site during the works to aid the proponent and their works personnel in meeting their obligations under the *Aboriginal Relics Act 1975* (the Act) in the event that Aboriginal heritage is identified.
10. 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
11. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.
12. All conditions of this permit must be completed to the satisfaction of the responsible authority, prior to the occupancy of the dwelling on the subject site.

#### ADVICE

- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
- 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. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.
- Activities associated with construction works are not to be performed outside the permissible time frame listed:

*Monday-Friday 7am to 6pm*

*Saturday 9am to 6pm*

*Sunday and public holidays 10am to 6pm*

**FOR** Clr J McGiveron, Clr M Osborne, Clr G McGuinness, Clr B LeFevre, Clr M Tucker  
**AGAINST** Clr L Whittaker, Clr K Wright, Clr K Chapple, Clr J Drummond  
**CARRIED**

#### 01/21.6.10 DA 084-2020 – Single Dwelling Lot 7 – Tasman Highway, St Helens

<b>FILE REFERENCE</b>	DA 084-2020
-----------------------	-------------

#### OFFICER'S RECOMMENDATION:

Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **SINGLE DWELLING LOT 7** on land situated at **LOT 7 (CT127190/7) – TASMAN HIGHWAY, ST HELENS** (with access over Volume 167498 Folios 2, 3, 4, 5, 6 & 8) be **APPROVED** subject to the following conditions:



1. Use and development must be substantially in accordance with the following endorsed plans and documents unless modified by a condition of this permit:
  - a) Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020;
  - b) Written Submission, MJ Architecture, Dated: 18 September 2020;
  - c) Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 17 March 2020; and
  - d) Flora and Fauna Habitat Assessment, NorthBarker Ecosystem Services, Dated: 13 March 2020.
2. All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed of by means that will not result in soil erosion or other stormwater nuisance in accordance with Part 14.4.1 A9 of the *Break O'Day Interim Planning Scheme 2013*.
3. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
4. No native vegetation removal/modification is permitted outside that shown in Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020; and Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 17 March 2020;
5. All new planting must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site.
6. Plants listed in Appendix 3 of the *Break O'Day Interim Planning Scheme 2013* must not be used in landscaping.
7. Prior to any works commencing on site, a vegetation/weed management plan must be developed and a copy provided to Council, and therefore forming part of this approval to assist in the maintenance of vegetation condition on the subject lot. The vegetation/weed management plan must be prepared in accordance with all of the recommendations contained within the Flora and Fauna Habitat Assessment (section 6), prepared by NorthBarker Ecosystem Services, Dated: 13<sup>th</sup> March 2020.
8. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with Part 14.4.1 A7 of the *Break O'Day Interim Planning Scheme 2013*.
9. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. Works should be carried out strictly under the guidance of the attached Unanticipated Discovery Plan. If at any point during the proposed works Aboriginal heritage is suspected, works must cease immediately, and AHT must be contacted for advice. The Unanticipated Discovery Plan should be kept on site during the works to aid the proponent and their works personnel in meeting their obligations under the *Aboriginal Relics Act 1975* (the Act) in the event that Aboriginal heritage is identified.
10. 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
11. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.
12. All conditions of this permit must be completed to the satisfaction of the responsible authority, prior to the occupancy of the dwelling on the subject site.

## ADVICE

- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
- 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. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.
- Activities associated with construction works are not to be performed outside the permissible time frame listed:  
*Monday-Friday 7am to 6pm*  
*Saturday 9am to 6pm*  
*Sunday and public holidays 10am to 6pm*

## DISCUSSION:

- The Planning Consultant stated that there were four (4) performance criteria for this application and the outcome is in assessment report.
- The Planning Consultant stated that the site is 23.73ha in area.
- The Planning Consultant advised that representations were addressed previously.
- Cllr McGiverson stated that his comments are the same as previous items.
- Cllr LeFevre stated that it is quite obvious that St Helens and the Break O'Day area is growing to him, this is an absolute prime location with low level impact and he believes this is an ideal location and situation for St Helens to expand.
- Cllr Wright asked, how are the accesses over numerous lots to be managed. The Planning Consultant stated that while it is in the same ownership it is up to the owner, however if they are sold there would need to be access issues looked at in the future and the current accesses are over existing tracks.

## COUNCIL DECISION:

**01/21.6.10.11**      Moved: Cllr J McGiverson / Seconded: Cllr B LeFevre

Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **SINGLE DWELLING LOT 7** on land situated at **LOT 7 (CT127190/7) – TASMAN HIGHWAY, ST HELENS** (with access over Volume 167498 Folios 2, 3, 4, 5, 6 & 8) be **APPROVED** subject to the following conditions:

1. Use and development must be substantially in accordance with the following endorsed plans and documents unless modified by a condition of this permit:
  - a) Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020;
  - b) Written Submission, MJ Architecture, Dated: 18 September 2020;
  - c) Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 17 March 2020; and
  - d) Flora and Fauna Habitat Assessment, NorthBarker Ecosystem Services, Dated: 13 March 2020.

2. All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed of by means that will not result in soil erosion or other stormwater nuisance in accordance with Part 14.4.1 A9 of the *Break O'Day Interim Planning Scheme 2013*.
3. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
4. No native vegetation removal/modification is permitted outside that shown in Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01, D01.02, D01.03, D02.02 & D09.01, Rev: 01, Dated: 12 October 2020; and Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 17 March 2020;
5. All new planting must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site.
6. Plants listed in Appendix 3 of the *Break O'Day Interim Planning Scheme 2013* must not be used in landscaping.
7. Prior to any works commencing on site, a vegetation/weed management plan must be developed and a copy provided to Council, and therefore forming part of this approval to assist in the maintenance of vegetation condition on the subject lot. The vegetation/weed management plan must be prepared in accordance with all of the recommendations contained within the Flora and Fauna Habitat Assessment (section 6), prepared by NorthBarker Ecosystem Services, Dated: 13<sup>th</sup> March 2020.
8. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with Part 14.4.1 A7 of the *Break O'Day Interim Planning Scheme 2013*.
9. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. Works should be carried out strictly under the guidance of the attached Unanticipated Discovery Plan. If at any point during the proposed works Aboriginal heritage is suspected, works must cease immediately, and AHT must be contacted for advice. The Unanticipated Discovery Plan should be kept on site during the works to aid the proponent and their works personnel in meeting their obligations under the *Aboriginal Relics Act 1975* (the Act) in the event that Aboriginal heritage is identified.
10. 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
11. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.
12. All conditions of this permit must be completed to the satisfaction of the responsible authority, prior to the occupancy of the dwelling on the subject site.

## ADVICE

- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
- 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. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.

- Activities associated with construction works are not to be performed outside the permissible time frame listed:  
*Monday-Friday 7am to 6pm*  
*Saturday 9am to 6pm*  
*Sunday and public holidays 10am to 6pm*

**FOR** Clr J McGiveron, Clr M Osborne, Clr G McGuinness, Clr B LeFevre, Clr M Tucker  
**AGAINST** Clr L Whittaker, Clr K Wright, Clr K Chapple, Clr J Drummond  
**CARRIED**

## 01/21.6.11 DA 085-2020 – Single Dwelling Lot 8 – Tasman Highway, St Helens

<b>FILE REFERENCE</b>	DA 085-2020
-----------------------	-------------

### OFFICER'S RECOMMENDATION:

Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **SINGLE DWELLING LOT 8** on land situated at **LOT 8 (CT167498/8) – TASMAN HIGHWAY, ST HELENS** (with access over Volume 167498 Folios 2, 3, 4, 5 & 6) be **APPROVED** subject to the following conditions:

- Use and development must be substantially in accordance with the following endorsed plans and documents unless modified by a condition of this permit:
  - Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.03, D02.02 & D09.01, Rev: 02, Dated: 12 October 2020;
  - Written Submission, MJ Architecture, Dated: 18 September 2020; and
  - Flora and Fauna Habitat Assessment, NorthBarker Ecosystem Services, Dated: 13 March 2020.
- Prior to issue of building approval and/or commencement of any site works, amended plans Dwg No: D01.01 and D01.02 and Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, are to be amended and submitted for approval to form part of this approval demonstrating the dwelling is located wholly outside of a 10m buffer to mapped area AH5625.
- All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed of by means that will not result in soil erosion or other stormwater nuisance in accordance with Part 14.4.1 A9 of the *Break O'Day Interim Planning Scheme 2013*.
- Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
- No native vegetation removal/modification is permitted outside that shown in Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01 (as amended), D01.02 (as amended), D01.03, D02.02 & D09.01, Rev: 02, Dated: 12 October 2020; and Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 17 March 2020 (as amended);
- All new planting must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site.
- Plants listed in Appendix 3 of the *Break O'Day Interim Planning Scheme 2013* must not be used in landscaping.

8. Prior to any works commencing on site, a vegetation/weed management plan must be developed and a copy provided to Council, and therefore forming part of this approval to assist in the maintenance of vegetation condition on the subject lot. The vegetation/weed management plan must be prepared in accordance with all of the recommendations contained within the Flora and Fauna Habitat Assessment (section 6), prepared by NorthBarker Ecosystem Services, Dated: 13 March 2020.
9. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with Part 14.4.1 A7 of the *Break O'Day Interim Planning Scheme 2013*.
10. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. Works should be carried out strictly under the guidance of the attached Unanticipated Discovery Plan. If at any point during the proposed works Aboriginal heritage is suspected, works must cease immediately, and AHT must be contacted for advice. The Unanticipated Discovery Plan should be kept on site during the works to aid the proponent and their works personnel in meeting their obligations under the *Aboriginal Relics Act 1975* (the Act) in the event that Aboriginal heritage is identified.
11. 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
12. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.
13. All conditions of this permit must be completed to the satisfaction of the responsible authority, prior to the occupancy of the dwelling on the subject site.

## ADVICE

- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
- 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. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.
- Activities associated with construction works are not to be performed outside the permissible time frame listed:
  - Monday-Friday 7am to 6pm*
  - Saturday 9am to 6pm*
  - Sunday and public holidays 10am to 6pm*

## DISCUSSION:

- The Planning Consultant advised that this application does have an extra condition that we receive amended drawings prior to any commencement of works or construction, this is to make sure we have the 10m limit as concerns raised by Aboriginal Heritage Tasmania.
- The Planning Consultant stated that there were four (4) performance criteria for this application and the outcome is in assessment report.
- The Planning Consultant advised that representations were addressed previously.

- Cllr LeFevre stated that he wanted to thank the staff for all of their work on these planning items.

## COUNCIL DECISION:

**01/21.6.11.12**      Moved: Cllr B LeFevre / Seconded: Cllr M Osborne

Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **SINGLE DWELLING LOT 8** on land situated at **LOT 8 (CT167498/8) – TASMAN HIGHWAY, ST HELENS** (with access over Volume 167498 Folios 2, 3, 4, 5 & 6) be **APPROVED** subject to the following conditions:

1. Use and development must be substantially in accordance with the following endorsed plans and documents unless modified by a condition of this permit:
  - a) Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.03, D02.02 & D09.01, Rev: 02, Dated: 12 October 2020;
  - b) Written Submission, MJ Architecture, Dated: 18 September 2020; and
  - c) Flora and Fauna Habitat Assessment, NorthBarker Ecosystem Services, Dated: 13 March 2020.
2. Prior to issue of building approval and/or commencement of any site works, amended plans Dwg No: D01.01 and D01.02 and Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, are to be amended and submitted for approval to form part of this approval demonstrating the dwelling is located wholly outside of a 10m buffer to mapped area AH5625.
3. All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed of by means that will not result in soil erosion or other stormwater nuisance in accordance with Part 14.4.1 A9 of the *Break O'Day Interim Planning Scheme 2013*.
4. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
5. No native vegetation removal/modification is permitted outside that shown in Plans and Elevations, MJ Architecture, Dwg No: D00.00, D01.01 (as amended), D01.02 (as amended), D01.03, D02.02 & D09.01, Rev: 02, Dated: 12 October 2020; and Bushfire Report and Hazard Management Plan, NorthBarker Ecosystem Services, Dated: 17 March 2020 (as amended);
6. All new planting must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site.
7. Plants listed in Appendix 3 of the *Break O'Day Interim Planning Scheme 2013* must not be used in landscaping.
8. Prior to any works commencing on site, a vegetation/weed management plan must be developed and a copy provided to Council, and therefore forming part of this approval to assist in the maintenance of vegetation condition on the subject lot. The vegetation/weed management plan must be prepared in accordance with all of the recommendations contained within the Flora and Fauna Habitat Assessment (section 6), prepared by NorthBarker Ecosystem Services, Dated: 13 March 2020.
9. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with Part 14.4.1 A7 of the *Break O'Day Interim Planning Scheme 2013*.



10. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. Works should be carried out strictly under the guidance of the attached Unanticipated Discovery Plan. If at any point during the proposed works Aboriginal heritage is suspected, works must cease immediately, and AHT must be contacted for advice. The Unanticipated Discovery Plan should be kept on site during the works to aid the proponent and their works personnel in meeting their obligations under the *Aboriginal Relics Act 1975* (the Act) in the event that Aboriginal heritage is identified.
11. 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
12. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.
13. All conditions of this permit must be completed to the satisfaction of the responsible authority, prior to the occupancy of the dwelling on the subject site.

## ADVICE

- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
- 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. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.
- Activities associated with construction works are not to be performed outside the permissible time frame listed:
  - Monday-Friday 7am to 6pm*
  - Saturday 9am to 6pm*
  - Sunday and public holidays 10am to 6pm*

<b>FOR</b>	Clr J McGiveron, Clr M Osborne, Clr G McGuinness, Clr B LeFevre, Clr M Tucker
<b>AGAINST</b>	Clr L Whittaker, Clr K Wright, Clr K Chapple, Clr J Drummond
<b>CARRIED</b>	

*The Mayor advised the Council that it had now concluded its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations.*

## 01/21.7.0 PETITIONS

Nil.



## 01/21.8.0 NOTICES OF MOTION

### 01/21.8.1 Notice of Motion – Maintenance of Terrys Hill Road, Goshen – Cllr K Wright

#### 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:*

That Council re-assess and consider assuming responsibility for the maintenance of Terrys Hill Road, which is a Crown road.

#### SUBMISSION IN SUPPORT OF MOTION:

This has been under discussion previously in approximately September 2014.

There are at least seven (7) homes on this road.

The road is now experiencing a large increase in traffic as it is used by shuttle companies and private mountain bikers to access pick up and drop off points for the Mountain Bike trails in the area.

Recent heavy rain has caused significant damage and the road is in very poor condition. During heavy rain the road resembled a river.

#### DISCUSSION:

- Cllr McGuinness stated that obviously you are aware that any increase of maintenance of roads impact on our budget but he was wondering how far you were proposing for Council to takeover.
- Cllr Wright stated that she hasn't personally inspected the road but it needs to be looked into it. We probably need to look at where the shuttle companies are going to but at least to service the seven (7) or eight (8) residential properties on that section of road to see what is viable and what is not.
- Cllr LeFevre stated that even though it is asking for a report he was wondering whether this should be workshopped for discussion with all of the pros and cons.
- Cllr McGiveron stated that over the years we have a lot of problems with Forestry Roads where we are asked often to take over some of them particularly around St Marys. If we take this over are we going to be asked why haven't we taken over others.
- Cllr Chapple stated that it is quite important that we at least do the section that the shuttles are using as we have invested heavily into mountain biking in the area.
- Mayor Tucker asked, do we want to bring this back to a workshop as there is also a bridge on this road, it would be quite good to bring this to a workshop and for people to potentially go out and have a look at the road. We need to remember that if we take over roads and bridges it will increase Councils costs.

- Clr Drummond stated that it is just for a report, it seems that we should at least look at the residential properties and it should not be at the detriment of the local residences as well as the shuttle operators.
- Clr Osborne asked, what happened last time with this, we must have decided not to take this over. The General Manager stated that this would all be investigated as part of the preparation of a report
- Clr LeFevre stated that it is obviously a very worthy motion as the locals and mountain bikers are suffering however he would personally like to workshop it as he would like to go and have a look at the area.

#### **COUNCIL DECISION:**

**01/21.8.1.13**                      Moved: Clr K Wright / Seconded: Clr J Drummond

*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:*

That Council re-assess and consider assuming responsibility for the maintenance of Terrys Hill Road, which is a Crown road.

**01/21.8.1.14**                      Moved: Clr J McGiveron / Seconded: Clr G McGuinness

That this matter be workshopped.

**CARRIED UNANIMOUSLY**

*Meeting adjourned for morning tea at 11.08am.*

*Meeting resumed at 11.17am*

#### **01/21.9.0                      COUNCILLOR'S QUESTIONS ON NOTICE**

Nil.

*Regulation 29 of the Local Government (Meeting Procedures) Regulations 2005 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.*

## 01/21.10.1

## Climate Change Committee – Clr J Drummond

It has been almost a year since we agreed via a Council Motion to form a Climate Change Committee to review Council's "Responding to Climate Change: Municipal Management Plan". This has still not happened. I am aware that during COVID even though emissions were reduced, the situation has further declined according to scientists reports.

Can we please prioritise the formation and action of this committee?

**Reply**

Council received a *Climate Change Action Plan 2020* at its December 2019 Meeting which reviewed the 2013 *Climate Change MMP* and determined all Councillors would participate as the working group committee for that Action Plan since it "considers Climate Change to be a serious concern for Break O'Day". At its August 2020 workshop Council discussed electric vehicle issues, bushfire and shoreline and inundation risks on Georges Bay; but considered updating the climate change risk assessment in the 2013 Climate Change MMP as the next priority for it. A report and discussion of that reassessment of risks is pending.

## 01/21.11.0

## MAYOR'S &amp; COUNCILLOR'S COMMUNICATIONS

## 01/21.11.1

## Mayor's Communications for Period Ending 18 January 2021

18.01.2021	St Helens	– Council Meeting
------------	-----------	-------------------

## 01/21.11.2

## Councillor's Reports for Period Ending 18 January 2021

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

St Helens and Districts Chamber of Commerce and Tourism – Clr Margaret Osborne OAM

- No meeting held.

NRM Special Committee – Clr Janet Drummond

- No meeting held.

Barway Committee – Clr John McGiveron

- No meeting held.

East Coast Tasmania Tourism (ECTT) – Clr Glenn McGuinness

- In recess.

Mental Health Action Group – Clr Barry LeFevre

- No meeting held.

Disability Access Committee – Clr Janet Drummond

- Hoping to have a meeting in February.

## **01/21.12.0 BUSINESS AND CORPORATE SERVICES**

### **01/21.12.1 Corporate Services Department Report**

<b>FILE REFERENCE</b>	018\018\001\
-----------------------	--------------

#### **OFFICER’S RECOMMENDATION:**

That the report be received.

#### **INTRODUCTION:**

The purpose of this report is to provide Councillors with an update of various issues which have been dealt with in the Business and Corporate Service Department since the previous Council Meeting.

#### **DISCUSSION:**

- The Manager Corporate Services advised that he had nothing further to add.

#### **COUNCIL DECISION:**

##### **01/21.12.1.15 Moved: Clr J McGiveron / Seconded: Clr K Chapple**

That the report be received.

**CARRIED UNANIMOUSLY**

FILE REFERENCE	018\018\001\
----------------	--------------

**OFFICER'S RECOMMENDATION:**

That the following reports for the month ending 31 December 2020 be received:

1. Trading Account Summary
2. Income Statement
3. Profit and Loss Statements
4. Financial Position
5. Cash Flow
6. Capital Expenditure

**INTRODUCTION:**

Presented to Council are the monthly financial statements.

**DISCUSSION:**

- The Manager Corporate Services stated that at the last meeting Mayor Tucker asked about #1896 - Land and Leasing Costs which he was unable to respond to at the time. The Manager Corporate Services advised that there is now a note in the report which primarily relates to the car park.
- Cllr Whittaker asked in relation to item number #1776 – Miscellaneous Reimbursements, it is up to 317%. The Manager Corporate Services advised that he will look this up and provide an update.

**COUNCIL DECISION:**

**01/21.12.2.16**      Moved: Cllr L Whittaker / Seconded: Cllr M Osborne

That the following reports for the month ending 31 December 2020 be received:

1. Trading Account Summary
2. Income Statement
3. Profit and Loss Statements
4. Financial Position
5. Cash Flow
6. Capital Expenditure

**CARRIED UNANIMOUSLY**

### 01/21.12.3 Visitor Information Centre Report

FILE REFERENCE	040\028\002\
----------------	--------------

#### OFFICER'S RECOMMENDATION:

That the report be received.

#### INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various issues which are being dealt with by the Visitor Information Centre.

#### DISCUSSION:

- The Manager Corporate Services stated that he had nothing further to add.
- The Manager Corporate Services stated that although there are a few people around town but the comparisons to previous years are very low.

#### COUNCIL DECISION:

**01/21.12.3.17**      Moved: Clr B LeFevre / Seconded: Clr M Osborne

That the report be received.

**CARRIED UNANIMOUSLY**

### 01/21.12.4 Audit Panel – Receipt of Minutes

FILE REFERENCE	018\005\024\
----------------	--------------

#### OFFICER'S RECOMMENDATION:

That Council receive the minutes of the Audit Panel 7 December 2020.

#### INTRODUCTION:

Council's Audit Panel meets every three (3) months and the minutes of each meeting are required to be provided to Council.

#### DISCUSSION:

- The Manager Corporate Services advised that this was the first meeting with new Audit Panel Chair and the transition was quite smooth.
- The Manager Corporate Services advised that there was quite a long session with the Tasmanian Audit Office by phone giving an intensive update on the financial part of the audit.

## COUNCIL DECISION:

**01/21.12.4.18**      Moved: Clr B LeFevre / Seconded: Clr L Whittaker

That Council receive the minutes of the Audit Panel 7 December 2020.

**CARRIED UNANIMOUSLY**

## 01/21.12.5      Tasmanian Audit Office – Procurement in Local Government

FILE REFERENCE	018\005\004\
----------------	--------------

## OFFICER'S RECOMMENDATION:

That Council receive the report.

## INTRODUCTION:

The Tasmanian Audit Office (TAO), as well as conducting annual financial audits of Council and state government bodies, undertakes performance and compliance audits. This report follows a 2020 performance audit of procurement in Councils including Break O'Day.

## DISCUSSION:

- The Manager Corporate Services stated that this came up at the last meeting where he verbally mentioned issues with the report and we now have the public report which has been provided in full for Council to consider and has also been in the media. The report did provide some sensible recommendations particularly in relation to the wording of our policy however it did misunderstand what we have in place and aspects of what we do and we have disagreed with some of their findings and wording of their report.
- The Manager Corporate Services stated that the audit was conducted during the height of COVID and was conducted offline with staff working from home at the Audit Office and staff working from home at Council, this process did not give the Auditor the opportunity to properly see how we operate.
- The Manager Corporate Services stated that he feels that after doing the first three (3) audits they had an idea of what they wanted to find following those audits.
- Mayor Tucker stated that it is quite confusing and it seems the Audit Office have gone looking for something that wasn't there.
- Clr Drummond asked, where do we go from here. The Manager Corporate Services stated that we will provide Council with a revised policy, there is a little tweaking around being in line with the Local Government Regulations and we are also seeking clarification of comments in relation to templates etc to gain specifics about where they would like us to make appropriate changes for guidance.
- Clr LeFevre asked, is there a role for the Local Government Association of Tasmania (LGAT) in this because when it was publicised in the newspaper it looked like we have been naughty, it wasn't clear that we were one (1) of three (3) Councils and others had already been audited and others are yet to be done.



- The Manager Corporate Services stated that it wasn't clear as to what is also best practice and what is required, the media also pick up what they want to pick up which makes it very hard.
- The Manager Corporate Services stated that there is a bigger picture in Local Government which the Local Government Association of Tasmania (LGAT) have been involved in with regard to both procedural audits as well as financial audits. Mayor Tucker stated that there are a lot of things that LGAT are working on with the Audit Office, best practice is always moving.
- Cllr Drummond stated that we can direct people with concerns to the report and they get a far more comprehensive idea.

#### **COUNCIL DECISION:**

**01/21.12.5.19**      Moved: Cllr G McGuinness / Seconded: Cllr K Chapple

That Council receive the report.

**CARRIED UNANIMOUSLY**

## **01/21.13.0      WORKS AND INFRASTRUCTURE**

### **01/21.13.1      Works and Infrastructure Report**

<b>FILE REFERENCE</b>	014\002\001\
-----------------------	--------------

#### **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.

#### **DISCUSSION:**

- The Manager Infrastructure and Development Services advised that in the lead up to Christmas we sustained quite a lot of flood damage this is still being determined and estimates for repairs being prepared.
- Cllr McGivern asked in relation to Upper Esk Road – has work commenced up there. The Manager Infrastructure and Development Services advised that this is commencing this week with practical completion at the end of February.

**COUNCIL DECISION:**

**01/21.13.1.20**      Moved: Clr M Osborne / Seconded: Clr L Whittaker

That the report be received by Council.

**CARRIED UNANIMOUSLY**

**01/21.13.2**      **Animal Control Report**

<b>FILE REFERENCE</b>	003\003\018\
-----------------------	--------------

**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.

**DISCUSSION:**

- Clr Drummond stated that if our Animal Control Officer is on leave over the Christmas Period can we find someone to step into this role. The Manager Infrastructure and Development Services advised that the Animal Control Officer was actually working but predominantly on weekends over the Christmas Period.

**COUNCIL DECISION:**

**01/21.13.2.21**      Moved: Clr J Drummond / Seconded: Clr J McGiveron

That the report be received by Council.

**CARRIED UNANIMOUSLY**

<b>FILE REFERENCE</b>	018\019\068\
-----------------------	--------------

**OFFICER'S RECOMMENDATION:**

That Council endorse the following projects for nomination for funding under the Local Roads and Community Infrastructure Program (extension):

1	St Helens Point Road (Parnella Stormwater Catchment 2)	\$107,000
2	O'Connor's Beach – Shared Pathway	\$95,000
3	Footpath Upgrade - Beaumaris	\$85,000
4	Footpath Upgrade – St Marys	\$50,000

That Council engage in community consultation with the Falmouth Community for the sealing of Franks Street and Morrison Street, Falmouth.

**INTRODUCTION:****LRCI Program Extension**

The Australian Government has announced an extension of the Local Roads and Community Infrastructure Program (LRCI Program).

Under the LRCI Program Extension, Break O' Day Council will receive an additional funding allocation of \$596,896. This funding will be available from 1 January 2021, with the Program extended until the end of 2021.

Program Guidelines and Grant Agreements are currently in the process of being drafted and will be provided to the Council in due course. In the meantime, Council is encouraged to consider projects for nomination for funding under the Program Extension.

This report recommends an initial four (4) projects for nomination for funding.

**DISCUSSION:**

- Cllr Whittaker asked in regards to a proposed footpath at Stieglitz, could this have been included in this. The Manager Infrastructure and Development Services stated that we can workshop further ideas.
- Cllr Drummond asked, how will the O'Connors Beach pathway impact the threatened species. The Manager Infrastructure and Development Services stated that he doesn't believe it will, however it will depend on the alignment, we could look at a walkway on the beach side and put in a bit of a seawall.

- Cllr LeFevre asked in relation to sealing Franks Street and Morrison Street, Falmouth, you mentioned community consultation is required, is this legislated or just something we are going to do. The General Manager stated that it is more about the debate that has taken place in the past and during the preparation of the Falmouth Township Plan with regard to sealing streets down there. The Falmouth Community is quite divided on this matter. Cllr Osborne stated that if we had mentioned this years ago we would have had an uproar but now we have new people there, so some want it and some don't. Cllr LeFevre stated that when we had the big development to consider at Falmouth some of the representations complained about the dust issue so this would help eradicating their dust problem. The Manager Infrastructure and Development Services stated that we do have time but we don't have a lot of time.
- The General Manager stated that at the recent stadium meeting there was some conversation around a potential project involving screens for the stadium, this proposal still requires a little bit more scoping at this stage.

#### **COUNCIL DECISION:**

**01/21.13.3.22**      Moved: Cllr K Wright / Seconded: Cllr M Osborne

That Council endorse the following projects for nomination for funding under the Local Roads and Community Infrastructure Program (extension):

1	St Helens Point Road (Parnella Stormwater Catchment 2)	\$107,000
2	O'Connor's Beach – Shared Pathway	\$95,000
3	Footpath Upgrade - Beaumaris	\$85,000
4	Footpath Upgrade – St Marys	\$50,000

That Council engage in community consultation with the Falmouth Community for the sealing of Franks Street and Morrison Street, Falmouth.

**CARRIED UNANIMOUSLY**

## **01/21.14.0      COMMUNITY DEVELOPMENT**

### **01/21.14.1      Community Services Report**

<b>FILE REFERENCE</b>	011\034\006\
-----------------------	--------------

#### **OFFICER'S RECOMMENDATION:**

That the report be received.

#### **INTRODUCTION:**

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

## DISCUSSION:

- The Manager Community Services advised that due to COVID we can only have 130 at Portland Hall for Australia Day hence no invitations to Councillors have been sent out as yet, we are just waiting on RSVP's to come back from community members and further invitations will be sent out later this week.
- Clr Drummond asked where is the Recreational Trails Strategy up to. The Manager Community Services advised that we had been waiting for borders to open up a bit more so we can go out for an Expression of Interest process as Tasmania is limited with suitable consultants.
- Clr Chapple asked, are we still on track with the Dragon Trail for March. The Manager Community Services advised that it is still progressing and the numbers are currently higher than last year.

## COUNCIL DECISION:

**01/21.14.1.23**      Moved: Clr M Osborne / Seconded: Clr B LeFevre

That the report be received.

**CARRIED UNANIMOUSLY**

## 01/21.15.0      DEVELOPMENT SERVICES

### 01/21.15.1      Development Services Report

FILE REFERENCE	031\013\003\
----------------	--------------

## OFFICER'S RECOMMENDATION:

That the report be received.

## INTRODUCTION:

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

## DISCUSSION:

- The Development Services Coordinator advised that fire abatements are now a focus, staff are currently addressing hot spots at the moment.
- The Development Services Coordinator advised that the Old Tas Hotel project is nearing completion and about to start work on the outside of the building and we are looking at an official opening hopefully in late February at this stage.

- Clr Whittaker asked in relation to the Future Potential Production Forest (FPPF) land – do we need to step this up and we need to get an answer on this. The NRM Officer stated that we did consult twice with the State Government and we have received nothing of great substance at this stage, we can form our own position as the issue hasn't gone away. We can look at the Break O'Day situation and include what implications it may have for us, the issues are with the actual legislation. Clr LeFevre stated that he mentioned a few months that he would like someone independent to come in and talk to us at a workshop. The General Manager stated that a presentation would be linked to this but it is also finding someone independent to come in. Clr Drummond stated that we had a robust discussion in an NRM Meeting with Forestry represented which was great and she also stated that she is getting a lot of questions from members of the public. Clr Drummond asked whether we can formulate a position of our own. Mayor Tucker stated that we need to make sure that we have qualified advice before we can make a decision.
- Clr McGuinness asked, has Council had any involvement in the Fingal Hotel. The Development Services Coordinator advised that it has been minimal from our perspective as he is using a private building surveyor, he only has approval for restoration works at this stage but not fit out.
- The NRM Officer provided comment on recent Recreational Water Quality sampling and advised that all sites have been cleared as good quality water for recreational sites. Clr McGuinness stated that Grants Lagoon has been breached, can tests be done now it has been breached. The NRM Officer advised that since the mouth has been open tests have been done and they have come back fine, he also did tests where the camp ground is and the boat launching facility and that also came back fine.

#### **COUNCIL DECISION:**

**01/21.15.1.24**      Moved: Clr J McGiveron / Seconded: Clr K Wright

That the report be received.

**CARRIED UNANIMOUSLY**

#### **01/21.15.2      Break O'Day Drought Weeds Grants 2020**

<b>FILE REFERENCE</b>	017\014\004\
-----------------------	--------------

#### **OFFICER'S RECOMMENDATION:**

1. That Council grant \$1,645 of Drought Weeds funding to an application for support of horehound control at Germantown on the Seaview Farm property.
2. That Council grant \$3,982 of Drought Weeds funding to an application for support of thistle control at Fingal on the Malahide property.

## INTRODUCTION:

Two (2) further applications to Council for support from the \$30,000 of Break O'Day Drought Weeds grants program have been received.

## DISCUSSION:

- Clr Drummond stated that it is great that we have people picking up on the available funds for weed control.

## COUNCIL DECISION:

**01/21.15.2.25**      Moved: Clr B LeFevre / Seconded: Clr J Drummond

1. That Council grant \$1,645 of Drought Weeds funding to an application for support of horehound control at Germantown on the Seaview Farm property.
2. That Council grant \$3,982 of Drought Weeds funding to an application for support of thistle control at Fingal on the Malahide property.

**CARRIED UNANIMOUSLY**

## 01/21.16.0      GOVERNANCE

### 01/21.16.1      General Manager's Report

FILE REFERENCE	002\012\001\
----------------	--------------

## 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 issues which are being dealt with by the General Manager and with other Council Officers where required.



## **DISCUSSION:**

- The General Manager provided an update in relation to the Regional Land Use Strategy work. Following discussions with Minister Jaensch it was decided to bundle amendments together, however the process moving forward was that the text amendments is one thing and have been dealt with, however the mapping amendments will be dealt with as a second bundle which has no time frame attached to it at this stage. This is due to a few Councils want to have some things dealt with as well as well as the availability of consultants to assist. The General Manager stated that it was more about dealing with some of the easier things and then the other matters will follow.

## **COUNCIL DECISION:**

**01/21.16.1.26**      Moved: Clr L Whittaker / Seconded: Clr K Chapple

That the General Manager's report be received.

**CARRIED UNANIMOUSLY**

*Pursuant to Regulation 15(1) of the Local Government (Meeting Procedures) Regulations 2015 that Council move into Closed Council.*

Moved: Clr K Chapple / Seconded: Clr B LeFevre That Council move into Closed Council.

**CARRIED UNANIMOUSLY**

# IN CONFIDENCE

## 01/21.17.0 CLOSED COUNCIL

### 01/21.17.1 Confirmation of Closed Council Minutes – Council Meeting 21 December 2020

### 01/21.17.2 Outstanding Actions List for Closed Council

*Clr Chapple left the meeting at 12.14pm*

### 01/21.17.3 Contract 030\001\127\ - Gardens Road Sight Distance Works - Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015

#### PUBLISH IN PUBLIC MINUTES:

#### 01/21.17.3.CC Moved: Clr J McGiveron / Seconded: Clr G McGuinness

That Council award Contract 030\001\127\ “Gardens Road Sight Distance Works” to Civilscape Contracting Tasmania Pty Ltd (Civilscape) subject to the following occurring:

- a) That the project design, Design Option C is finalised as required without detrimentally affecting the project objective.
- b) That a revised downward and final contract lump sum for Design Option C, is reached through negotiation between the Manager Infrastructure and Development Services and Civilscape Contracting where feasible to do so, and that a report is submitted to Council’s General Manager, confirming a revised lump sum cost.
- c) That Councils’ General Manager is authorised to sign a contract with Civilscape up to a contract value not exceeding the Option C Design tender lump sum value upon a) and b) being satisfactorily completed.

#### CARRIED UNANIMOUSLY

*Clr Chapple returned to the meeting at 12.17pm*

**01/21.17.4                    General Manager's Performance Review - Closed Council Item  
Pursuant to Section 15(2)A of the Local Government (Meeting  
Procedures) Regulations 2015**

**PUBLISH IN PUBLIC MINUTES:**

No part of this item (01/21.17.4) will be published in the public minutes due to it relating to Personnel matters of an employee of Council.

*Pursuant to Regulation 15(1) of the Local Government (Meeting Procedures) Regulations 2005 that Council move out of Closed Council.*

Moved: Cllr J Drummond / Seconded: Cllr K Wright That Council move out of Closed Council.

**CARRIED UNANIMOUSLY**

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 12.31pm.

.....

**MAYOR**

.....

**DATE**