



# COUNCIL MEETING MINUTES

Monday 19 January 2026  
Council Chambers, St Helens

John Brown, General Manager  
Break O'Day Council  
19 January 2026



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## AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

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

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

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

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

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

## OPENING & INTRODUCTION

*The Mayor welcomed Councillors and staff and declared the meeting open at 10.00am.*

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

## ACKNOWLEDGEMENT OF COUNTRY

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

## LIVE AUDIO/VISUAL STREAMING OF COUNCIL MEETINGS

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

**01/26.1.0                    ATTENDANCE**

**01/26.1.1                    Present**

Mayor Mick Tucker  
Deputy Mayor Kristi Chapple  
Councillor Gary Barnes  
Councillor Ian Carter  
Councillor Liz Johnstone  
Councillor Barry LeFevre  
Councillor Vaughan Oldham  
Councillor Lesa Whittaker  
Councillor Kylie Wright

**01/26.1.2                    Apologies**

Nil

**01/26.1.3                    Leave of Absence**

Nil

**01/26.1.4                    Staff in Attendance**

General Manager, John Brown  
Administration & Governance Support Officer, Linda Singline  
Development Services Coordinator, Jake Ihnen (*Item 26.1-26.19*)  
Business Services Manager, Raoul Harper (*Item 26.1-26.16.1, 26.16.4-26.19*)  
Manager Infrastructure and Development Services, David Jolly (*Item 26.1-26.19*)  
Community Services Manager, Chris Hughes (*Item 26.1-26.15.2*)  
Town Planner, Alex McKinlay (*Item 26.1-26.8.3*)  
Senior Town Planner, Deb Szekely (*Item 26.13.1-26.17.1*)  
NRM Facilitator, Polly Buchhorn (*Item 26.15.1-26.16.4*)

*In accordance with Regulations 33 - 38 of the Local Government (Meeting Procedures) Regulations 2025, questions—whether from members of the public or Councillors—must relate to the functions or activities of Council and must not be defamatory, offensive, or disrupt the orderly conduct of the meeting.*

*A question asked at a meeting is to:*

*Be concise; and*

*Be clear; and*

*Not be a statement; and*

*Have minimal preamble*

*General statements are not permitted during question time.*

Members of the public and councillors may ask up to four (4) questions per meeting. The Chairperson reserves the right to refuse a question, in accordance with the Regulations. If a question is refused, the reason will be stated and recorded in the minutes.

16 people in the gallery.

My questions to the Mayor, the Councillors and the Council Officers are:

1. Regarding the motion passed at the 2025 AGM recommending the Council ban strata titles and multiple dwellings for tourism accommodation outside of serviced settlements, does the Council accept that continual approvals of strata titling and multiple dwelling tourist accommodation, particularly of example in Landscape Conservation, Environmental Management and similar lower density Zones, will have undesirable long-term impacts on the valuable coastal environment which both residents and visitors cherish and which is irreplaceable once degrade?
2. Regarding the motion passed at the 2025 AGM recommending the Council to reintroduce the prohibition on subdivision withing 1km of the coast outside of settlements so as to prevent ribbon and unrelated cluster development, does the Council accept that when such a prohibition was previously in place (for the approximate period between 2005 and 2023) ribbon and cluster development outside settlements along the coast was successfully prevented, whereas presently without such a prohibition the Tasmanian Planning Scheme does not adequately prevent future ribbon and cluster development within the 1km coastal zone of our municipality?
3. Regarding the motion passed at the 2025 AGM recommending the Council to introduce higher standards for stormwater management than those in the current Break O'Day Stormwater Specific Area Plan to protect Coastal waterways and wetlands water quality and ecosystems, has the Council previously considered or received detailed proposals to introduce Specific Area Plans for coastal waterways and wetlands to achieve such higher stormwater management standards, and it so why has the Council not adopted improved standards?

4. Regarding the motion passed at the 2025 AGM recommending the Council to establish a comprehensive and effective Scenic Protection Code which preserves the scenic beauty of the Break O'Day municipality, does the Council accept that the current Scenic Protection Code, which only provides a 50-60m wide visual protection zone along each side of some eight (8) roads, including the Great Eastern Drive, is sufficient to protect in to the future the world class visual landscape that exists along these roads, particularly along the Great Eastern Drive where the visual landscape extends from the coast to the ridgeline?

## REPLY

1. A report is being prepared for the February Council meeting regarding the motion passed at the 2025 AGM in relation to strata schemes, visitor accommodation (multiple structures) outside of serviced settlements. The question raised seeks to understand Council's position on a matter which has not previously been formed
2. A report is being prepared for the February Council meeting regarding the motion passed at the 2025 AGM in relation to previous planning scheme provisions that prohibited subdivision within 1km of the coast outside of settlements and whether Council accepts that without the same prohibition it does not prevent ribbon and cluster development within the 1km coastal zone (Break O'Day). The question raised seeks to understand Council's position on a matter which has not previously been formed.
3. A report is being prepared for the February Council meeting regarding the motion passed at the 2025 AGM in relation to stormwater management. The Tasmanian Planning Commission directed the NEBN to provide a copy of their proposed Stormwater Management Specific Area Plan to identify where it would apply. At such time as the NEBN satisfied the TPC instruction, Council was provided a copy of the same. The TPC concluded that it was not persuaded that the exhibited Stormwater SAP should be replaced with the SAP proposed by the NEBN. Council is always willing to consider improved standards for stormwater management, particularly in relation to providing greater direction for development and expectations relating to stormwater management.
4. A report is being prepared for the February Council meeting regarding the motion passed at the 2025 AGM in relation to a Scenic Protection Code. The Break O'Day Council has already commenced work on investigating the application of a Scenic Areas overlay within the Break O'Day Local Provisions Schedule. This project work was considered fully by Council in the last financial year for inclusion within the work programme of this financial year

### 01/26.2.2

### Scamander Gym Equipment and St Helens Cemetery – Pauline Jervis

1. When will something be done about the gym equipment for Scamander. Please tell us all what the point of having a meeting etc, to where would be the best place to put it? And how much did that cost Council to gather the information, with the end result that Scamander still has no gym equipment. Do Scamander not pay the same rates as everyone else?
2. How long did it take to get the money to put up the lights along the walking track at St Helens and more the point what did it cost?
3. Now let us talk about St Helens Cemetery and the new Columbarium wall, very nice, please Mayor Tucker go and look at the old Columbarium wall. The round garden in the middle is a disgrace, full of weeds and two, that's right, two dead trees.

Before I close, I would just like to say, 5 years now Scamander has been waiting for the gym equipment, all we are asking is to be treated with the same respect as St Helens.

## REPLY

1. Council has been in discussion with community members through a survey to determine the most suitable location for the equipment. Feedback from the survey has shown an alternative site to the original proposed site by yourself and another community member. Unfortunately the grant funding that Council secured when the bridge was removed, will not cover the cost of anything not on the Scamander Reserve land. As previously advised, Council monitors what community grants are available and unfortunately there have been no grants that would fit the criteria of outdoor gym equipment.
2. The solar lighting project along the Georges Bay shared pathway was primarily funded through the LGAT "Open Spaces Grant Program – Round 2". It took 9 months for Council to secure the grant funding. The total project cost was \$408,990, with \$350,000 provided through the LGAT program and the remaining \$58,990 contributed by Council.
3. Council Meeting Procedures adopted on 18 August 2025 section 5.5 "A question must relate to the activities of the Council as a whole and not be directed to a particular Councillor and how they are discharging their duties as a Councillor." The maintenance situation has been referred to Council's Works Department to investigate and address.

### 01/26.2.3

### Break O'Day Council AGM 2025 – Todd Dudley, President, North East Bioregional Network

1. At the Break O'Day Council AGM held on the 9 December 2025 four motions submitted by North East Bioregional Network (NEBN) were passed related to budgeting for a full time week officer and animal control officer, protection of Future Potential Production Forests in reserves, more education and compliance effort regarding illegal land clearing and better protection of the natural and scenic values of the Break O'Day coastal environment.

Question: How will Council put into effect the four motions passed at the Councils AGM?

2. In relation to motion 2 from the Councils AGM the North East Bioregional Network has been adovation for the protection of the Future Potential Production Forests in secure conservation reserves for many years. This was the clear intent of the motion.

Questions:

- a) Why did the Council NRM Officers report (item 26.26.4 page 122 of the Agenda) recommend supporting FPPF areas being "sustainably managed" when the motion passed was for protecting the FPPF areas?
- b) Does the Break O'Day Council support Future Potential Production Forests in the Break O'Day area being protected in secure conservation reserves under the Nature Conservation Act 20902 such as National Park, State Reserve or Nature Reserve?

## REPLY

- 1 Pursuant to Section 65 of the Local Government Act (1993) Tas the General Manager is required to ensure that Qualified Advice is provided to Council prior to them making a decision. The motions passed at the AGM are required to be considered by Council with Qualified Advice provided. Council is not bound by a motion at an AGM to automatically implement the decision, the Council will consider whether or not they will make any decision related to, in line with or acquiescing to the content of the Motion. Council is not obliged to agree with the motions.
- 2
  - a) North East Bioregional Network's has been advocating for protection of Future Potential Production Forest Land (FPPF) in secure reserves for many years. Its representative on Council's NRM Committee Break O'Day, Mr Todd Dudley, contributed significantly to review of the implications for Break O'Day FPPF's future by the NRM Committee in 2019. The NRM Committee recognised nature conservation was a significant issue, amongst others including tourism and local supply of timber. The Committee referred their concerns to Council which considered at its 2 December 2019 Council Workshop the NRM Committee's findings and concerns, and an Officers Recommendation:  
*That Council considers supporting the protection of all Future Potential Production Forest Land in Break O'Day.*  
This is essentially the same proposition as put in the Motion at the 2024/25 AGM recently. For that reason the previous consideration and actions Council has taken since 2019 were considered relevant. This was adopted in the Officers Report as the starting point for Council to consider the AGM Motion and, if it wished to, reconsider its position on the significant environmental and other values FPPF has for Break O'Day and the implications given the future of FPPF remains uncertain.
  - b) Council will address this question and the Motion at the AGM, which it reflects, at its next Workshop.

In accordance with Section 38(1) of the Local Government (Meeting Procedures) Regulations 2025 the following questions were submitted in writing prior to the Council Meeting.

## 01/26.3.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil

## 01/26.4.0 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

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

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

I am asked by the residents of 36 Cameron St, why they are unable to have a solution to a problem caused to them by a Council approved change from DA 241-2024, which asked for “Additional use, on property at 34 Cameron St for Visitor Accommodation”. It did not ask for a complete change of use to Visitor accommodation, and removal of residential use. This property is being used entirely as “Visitor Accommodation” and not in use as a residential property.

This change/Additional use was mentioned in the “Development Services Report” at the February 2025 Council meeting.

***\*\* Condition 2A of the approval stated that the noise levels and peace and amenity to surrounding properties was to be maintained at all times.*** This is not happening, and there are multiple family groups (estimated up to 16 people at a time) occupying 34 Cameron collectively, on a regular basis, and regularly bringing with them more than 3 dogs at a time. There is excessive noise from dogs barking, and people partying well into the late hour of the night and early mornings. There is also often up to 8 vehicles parked on the street, due to the presence of the holiday makers. Vehicles are also reported to be parked against the flow of traffic on occasions, which is not legal, and cause disruption to the residents accessing and exiting their own properties.

The peace and amenity is NOT being maintained, and forcing some surrounding long term residents to feel that they may need to sell their properties in order to regain a peaceful life in their retirement.

The excess of people and dogs is making the lives of surrounding homeowners unbearable and unlivable.

They have complained to Council, and to the property Managers, Younique Stays, and there has not been an acceptable response.

Both number 36 and 34 are built very close to the boundaries, with what appears to be a greatly reduced setback on both properties side boundaries. I can only assume that (to my understanding) this has come about as both homes were built by the same builder, and hence no representations were raised on the setback issues. The current owners of #36 purchased the property some time after construction, and at that time there was no concerns over noise issues, as the residents of #34 at that time were very respectful.

Please advise what will be done, and why is the approval condition 2A not being adhered to or overseen by Council, as it was a Council applied condition.?

Can these issues be addressed by council, due to the continuing ***failure to comply to approval condition 2A of the application approval?***

- 1. Why does Council make conditions on development approvals, if we are not going to follow up on them, when the rules of the condition are ignored, or not adhered to?***
- 2. Who is responsible for the waste of police resources, as well as stress and anxiety caused to neighbouring property owners? Council, the property owner, or the property manager?***
- 3. Preliminary Legal advice has suggested strongly that there was responsibility on all 3.***

## REPLY

1. These concerns have been previously raised with Council and considered by Council's Environmental Officer. Council has carefully considered whether the matters raised can be addressed through enforcement of Condition 2(a) of the planning approval, which requires compliance with the *Environmental Management and Pollution Control Act 1994 (EMPCA)*. While Council acknowledges the concerns reported, the investigation undertaken did not identify evidence that the operation of the visitor accommodation is causing an environmental nuisance as defined under EMPCA. The issues raised largely relate to the behaviour of occupants and visitors and each complaint involves different behaviours and circumstances which is outside the scope of Council's regulatory powers under EMPCA and does not, in itself, establish a breach of Condition 2(a). In the absence of substantiated and ongoing environmental impacts attributable to the use of the land.
2. Council places conditions on development approvals to ensure that approved uses are undertaken in a manner that protects the community, the environment, and amenity. These conditions provide clear expectations for compliance and establish a framework for action where breaches occur. However, not all conditions can be enforced in every circumstance, particularly where the reported issues do not meet the statutory thresholds required under legislation such as EMPCA. Council investigates all complaints and takes enforcement action where evidence demonstrates a breach of a condition or a measurable environmental impact. Where no such evidence is found, or the matter falls outside Council's regulatory powers, action may not be possible, although Council continues to monitor the situation and have consulted with the property manager to ensure appropriate house rules are in place. The property managers have advised that they are actively enforcing the house rules and have made their contact number available 24/7 to complainants.
3. Responsibility for the behaviour of occupants or visitors to a property primarily rests with the owners and property managers, not Council. While Council has the role of setting and enforcing planning conditions, it is not responsible for antisocial behaviour, the use of police resources, or the personal stress and anxiety experienced by neighbours. Where incidents involve unlawful or unsafe conduct, Tasmania Police have jurisdiction to respond. Council encourages property owners and managers to ensure their premises are operated responsibly and in accordance with approvals to minimise impacts on neighbours, and it continues to monitor compliance with planning conditions where it has authority to do so.

### 01/26.4.2

### Council Meeting Minutes – Clr Lesa Whittaker

How can Council meeting minutes be confirmed if the questions that Councillor's ask are not included? How can this be changed to ensure the minutes are accurate as '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'.

## REPLY

Questions asked by Councillors during Items Councillors Questions on Notice and Councillors Questions Without Notice are either responded to at the meeting or taken on notice and responded to after the meeting as part of preparing the Minutes of the meeting. The Council Meeting Procedures Version 8 (Adopted 18 August 2025) requires that “*6.5 The question and the reply must be entered in the minutes of the relevant meeting*”. Questions asked during the ordinary course of the meeting outside the previous question opportunities are not detailed in the Minutes of the meeting, they are available through the recordings which are published on Council’s website. Following the commencement of live streaming in 2024, Council made a decision in September 2024 to refine the content of what is provided in the Minutes. The Minutes of meetings reflect that decision and are in line with previously provided legal advice.

### 01/26.4.3 AGM Minutes - Clr Liz Johnstone

In relation to item 01/26.6.2 Confirmation of AGM Minutes – Annual General Meeting.

I note the minutes, including 4 motions put forward by the community and passed, of the AGM of the Break O Day Council 2025, are not in the January 2026 Council Agenda where Councilors have been recommended to confirm the said minutes.

**1. My question is should the minutes of a Council AGM be included in the Council Meeting where the AGM Minutes are recommended to be confirmed.**

I think it would appropriate for the minutes of a Council AGM to be in the agenda of the Council meeting where it is recommended to confirm the said AGM minutes.

**2. My 2<sup>nd</sup> question is can in future AGM minutes be included in the Council Agenda of the meeting where it is recommended the previous year's AGM minutes be confirmed?**

I also note that in the minutes of the 2025 Break O Day Council AGM the attendance list of the meeting only included Councilors. At the 2025 there were a number of members of the community. My understanding of an AGM is that all present participate and can ask questions and vote and put motions to the AGM and are in attendance and should be included in the attendance list.

**3. My question is. Is it not the case that the attendance record should include all those members of the community in attendance as well as the Councillors at the AGM of the Break O Day Council?**

## REPLY

1. The unconfirmed Minutes of the Council Annual General Meeting (AGM) are made publicly available in the same manner as the unconfirmed Minutes of an Ordinary Council Meeting.
2. The Department of Premier and Cabinet have published a Good Governance Guide in relation to AGMs. It is a Guide and not a prescriptive requirement. The General Manager notes that Council is not required to confirm the Minutes of an AGM at the next Council Meeting, there is no requirement in the *Local Government Act (1993)* Tas Section 72B for this to occur yet this is the practice followed by Council rather than wait 12 months until the next AGM. The General Manager will examine the opportunity to review Council’s Meeting Procedures to provide increased specification in relation to Annual General Meetings

3. This situation has been reviewed and it is agreed that the members of the community who were in attendance should be detailed. This will be addressed at the February Council Meeting with an amendment to the AGM Minutes

## **01/26.5.0            DECLARATION OF INTERESTS OF A COUNCILLOR OR CLOSE ASSOCIATE**

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

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

Nil.

## **01/26.6.0            CONFIRMATION OF MINUTES**

### **01/26.6.1            Confirmation of Minutes – Council Meeting 15 December 2025**

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

That the minutes of the Council Meeting held on the 15 December 2025 be confirmed.

#### **COUNCIL DECISION:**

##### **01/26.6.1.666        Moved: Clr K Chapple/ Seconded: Clr B LeFevre**

That the minutes of the Council Meeting held on the 15 December 2025 be confirmed.

#### **CARRIED**

**FOR – Mayor Tucker, Clr K Chapple, Clr G Barnes, Clr L Johnstone, Clr K Wright, Clr V Oldham, Clr B LeFevre**

**AGAINST - Clr L Whittaker, Clr I Carter**

## **01/26.6.2            Confirmation of AGM Minutes – Annual General Meeting 9 December 2025**

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

That the minutes of the Annual General Meeting held on the 9 December 2025 be confirmed.

**COUNCIL DECISION:**

**01/26.6.2.667**      Moved: Clr K Chapple/ Seconded: Clr B LeFevre

That the minutes of the Annual General Meeting held on the 9 December 2025 be confirmed.

**CARRIED UNANIMOUSLY****01/26.7.0 COUNCIL WORKSHOPS HELD SINCE 15 DECEMBER 2025 COUNCIL MEETING**

There were no workshops held since 15 December 2025.

**01/26.8.0 PLANNING AUTHORITY**

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

**01/26.8.1 DA 159-2025 - 333 Davis Gully Road, Four Mile Creek - Subdivision – Two (2) Lot Subdivision**

FILE REFERENCE	DA 159-2025
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**OFFICER'S RECOMMENDATION:**

A. After due consideration of the application received and pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Tasmanian Planning Scheme – Break O'Day*, that the application for Subdivision – Two (2) Lot Subdivision on land situated at 333 Davis Gully Road, Four Mile Creek described in Certificate of Title 136167/2 be APPROVED subject to the following plans / documents and conditions:

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Proposal Plan	Sheet 1/1	Woolcott Land Services	3 October 2025, Edition V1.1
Planning Report	Job No: 211205	Woolcott Land Services	18 November 2025, Rev: 7
Bushfire Hazard Report	Job No: 211205	Woolcott Land Services – Geoff McGregor BFP-176	6 October 2025, Rev: 2
Landslide Risk Appraisal	GL25729Ab	GeoTon Pty Ltd	13 November 2025

## CONDITIONS

CONDITION	TIMING
<b>1</b> <b>Approved Plans and/or Document</b>	
A	Undertake development in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.
<b>2</b> <b>Lots</b>	
A	Approval is for Lots 1 – 2.
<b>3</b> <b>Bushfire Requirements</b>	
A	Prior to sealing of the Final Plan of Subdivision, written advice from an accredited bushfire practitioner must be submitted to Council advising that all recommendations and requirements of the Bushfire Hazard Report by (Geoff McGregor BFP-176, Job No: 211205, Dated: 6 October 2025, including requirements regarding water supply, access, and vegetation / fuel hazard management have been implemented.
<b>4</b> <b>Infrastructure Repair</b>	
A	The owner must, at their expense, repair any Council services (eg pipes, drains) and any road, crossover, footpath or other Council infrastructure that is damaged as a result of any works carried out by the developer, or their contractors or agents pursuant to this permit. These repairs are to be in accordance with any directions given by the Council. If the owner does not undertake the required repair works within the timeframe specified by Council, the Council may arrange for the works to be carried out at the owner's expense.
<b>5</b> <b>Easements to be created</b>	
A	An Easement must be created over the internal access road servicing Lots 1-2.

B	Such easements must be created on the final plan to the satisfaction of the General Manager and must detail construction and ongoing maintenance responsibilities for each lot.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>6</b>	<b>Covenants on Subdivisions</b>	
A	Any restrictive covenants created by this subdivision are not to preclude the use/development of this land for State, Commonwealth or Local Government purpose.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>7</b>	<b>Final Plan of Survey</b>	
A	A copy of the final plan of survey and schedule of easements is to be submitted to Council for assessment of sealing.  Advice: the plan will not be sealed until such time as all conditions on this permit have been complied with.	On completion and satisfaction of all conditions on this permit.

## ADVICE

1. 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.
2. Future development on the lots will require further geotechnical investigation as detailed within part 6 '6 Future Works' of the Landslide Risk Appraisal prepared by Geoton Pty Ltd (Reference No. GL25729Ab, 13 November 2025).
3. 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

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

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

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

Development Permit Information	Details
<i>Development Description</i>	Subdivision – Two (2) Lot Subdivision
<i>Relevant Period of Approval</i>	2 Years
<i>Other Necessary Permits</i>	Nil
<i>Attachments</i>	Nil
<i>Representations</i>	One (1)

#### INTRODUCTION:

The applicant is seeking approval of a two lot subdivision at 333 Davis Gully Road, Four Mile Creek

#### COUNCIL DECISION:

**01/26.8.1.668**      Moved: Clr B LeFevre/ Seconded: Clr V Oldham

A. After due consideration of the application received and pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Tasmanian Planning Scheme – Break O'Day*, that the application for Subdivision – Two (2) Lot Subdivision on land situated at 333 Davis Gully Road, Four Mile Creek described in Certificate of Title 136167/2 be APPROVED subject to the following plans / documents and conditions:

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Proposal Plan	Sheet 1/1	Woolcott Land Services	3 October 2025, Edition V1.1
Planning Report	Job No: 211205	Woolcott Land Services	18 November 2025, Rev: 7
Bushfire Hazard Report	Job No: 211205	Woolcott Land Services – Geoff McGregor BFP-176	6 October 2025, Rev: 2
Landslide Risk Appraisal	GL25729Ab	GeoTon Pty Ltd	13 November 2025

#### CONDITIONS

CONDITION	TIMING
<b>1</b> <b>Approved Plans and/or Document</b>	

<b>2</b>	<b>Lots</b>	
A	Approval is for Lots 1 – 2.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>3</b>	<b>Bushfire Requirements</b>	
A	Prior to sealing of the Final Plan of Subdivision, written advice from an accredited bushfire practitioner must be submitted to Council advising that all recommendations and requirements of the Bushfire Hazard Report by (Geoff McGregor BFP-176, Job No: 211205, Dated: 6 October 2025, including requirements regarding water supply, access, and vegetation / fuel hazard management have been implemented.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>4</b>	<b>Infrastructure Repair</b>	
A	The owner must, at their expense, repair any Council services (eg pipes, drains) and any road, crossover, footpath or other Council infrastructure that is damaged as a result of any works carried out by the developer, or their contractors or agents pursuant to this permit. These repairs are to be in accordance with any directions given by the Council. If the owner does not undertake the required repair works within the timeframe specified by Council, the Council may arrange for the works to be carried out at the owner's expense.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>5</b>	<b>Easements to be created</b>	
A	An Easement must be created over the internal access road servicing Lots 1-2.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
B	Such easements must be created on the final plan to the satisfaction of the General Manager and must detail construction and ongoing maintenance responsibilities for each lot.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>6</b>	<b>Covenants on Subdivisions</b>	
A	Any restrictive covenants created by this subdivision are not to preclude the use/development of this land for State, Commonwealth or Local Government purpose.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).

<b>7</b>	<b>Final Plan of Survey</b>	
A	<p>A copy of the final plan of survey and schedule of easements is to be submitted to Council for assessment of sealing.</p> <p>Advice: the plan will not be sealed until such time as all conditions on this permit have been complied with.</p>	On completion and satisfaction of all conditions on this permit.

## ADVICE

1. 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.
2. Future development on the lots will require further geotechnical investigation as detailed within part 6 '6 Future Works' of the Landslide Risk Appraisal prepared by Geoton Pty Ltd (Reference No. GL25729Ab, 13 November 2025).
3. 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

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

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

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

<b>Development Permit Information</b>	<b>Details</b>
<i>Development Description</i>	Subdivision – Two (2) Lot Subdivision
<i>Relevant Period of Approval</i>	2 Years
<i>Other Necessary Permits</i>	Nil
<i>Attachments</i>	Nil
<i>Representations</i>	One (1)

## CARRIED

**FOR – Mayor M Tucker, Clr K Chapple, Clr G Barnes, Clr V Oldham, Clr B LeFevre, Clr I Carter**  
**AGAINST – Clr L Johnstone, Clr L Whittaker, Clr K Wright**

01/26.8.2

**DA 155-2025 - 77 St Helens Point Road, Stieglitz - Alterations to Existing Dwelling plus Construction of Detached Dwelling Extension and Garage/Workshop**

<b>FILE REFERENCE</b>	DA 155-2025
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**OFFICER'S RECOMMENDATION:**

A. After due consideration of the application received and pursuant to Section 57 of *the Land Use Planning & Approvals Act 1993* and the *Tasmanian Planning Scheme – Break O'Day*, that the application for Alterations to Existing Dwelling plus Construction of Detached Dwelling Extension and Garage/Workshop on land situated at 77 St Helens Point Road, Stieglitz described in Certificate of Title 63379/39 be APPROVED subject to the following plans / documents and conditions:

<b>Approved Plans / Documents</b>				
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>	
Cover Sheet	-	Jennifer Binns Building Design	22.10.25	
Site Plan	Sheet No: a03	Jennifer Binns Building Design	22.10.25	
Existing Dwelling Floor Plan	Sheet No: a04	Jennifer Binns Building Design	22.10.25	
Proposed Dwelling Floor Plan	Sheet No: a05	Jennifer Binns Building Design	22.10.25	
Proposed Outbuilding	Sheet No: a06	Jennifer Binns Building Design	22.10.25	
Elevations	Sheet No: a07	Jennifer Binns Building Design	22.10.25	
Elevations	Sheet No: a08	Jennifer Binns Building Design	22.10.25	
Elevations	Sheet No: a09	Jennifer Binns Building Design	22.10.25	
Visuals	Sheet No: a10	Jennifer Binns Building Design	22.10.25	
Shadow Diagrams	Sheet No: a11	Jennifer Binns Building Design	22.10.25	
Planning Compliance Report	-	Jennifer Binns Building Design	22.10.25	
Bushfire Consultant Advice on Vegetation Removal	-	Roger Fenwick	22.10.25	
Landslide Risk Assessment	GL22355Ac	GeoTon Pty Ltd	11 August 2025	

## CONDITIONS

CONDITION	TIMING
<b>1 Approved Plans and/or Document</b>	
A Undertake development in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
<b>2 Residential (Single Dwelling)</b>	
A The garage/workshop is approved for non-habitable residential use only.	To be maintained at all times.
B If a visitor accommodation use is sought for the structures, a further development application must be lodged with Council to seek approval for the allocation of an additional use to the structures.	Prior to use and maintained at all times.
<b>3 Widening Crossover and Stormwater Connection</b>	
A A new stormwater connection at the kerb must be completed by a licenced plumber in accordance with standard drawing TSD-SW29-v3 (see attached).	Prior to use and maintained at all times.
B Concentrated stormwater must not be discharged into neighbouring properties.	To be maintained at all times.
C The crossover (kerb to property boundary) may be widened to 6m as proposed and must be constructed in accordance with standard drawing TSD-R09-v3 (see attached)	Prior to use and maintained at all times.
D An application must be submitted to obtain a Works Permit prior to undertaking any work on the stormwater connection at the kerb and/or the crossover widening.	Prior to any work on the stormwater connection.
<b>4 Residential Car Parking</b>	
A The areas shown to be set aside for vehicle access and car parking must be: <ol style="list-style-type: none"> <li>completed before the use of the development;</li> <li>Constructed with a sealed surface and drained to the public stormwater system.</li> </ol>	Prior to use and maintained at all times.
<b>5 Nuisance</b>	
A Residential use of the development must not create a nuisance as defined by the <i>Environmental Management and Pollution Control Act 1994</i> .	At all times.
B During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.	Prior to use and maintained at all times.
C All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.	At all times.

<b>6</b>	<b>Underground Infrastructure</b>	
A	All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works.	Prior to site works and maintained at all times.
<b>7</b>	<b>Landslip Hazard</b>	
A	All works must be undertaken in accordance with all recommendations of the Landslide Risk Assessment, Part 10, GeoTon Pty Ltd, GL22355Ac, 11 August 2025.	Prior to site works and maintained at all times.

## ADVICE

1. 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.
2. 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

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

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

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

	<b>Details</b>
<b>Development Description</b>	RESIDENTIAL - ALTERATIONS TO EXISTING DWELLING PLUS CONSTRUCTION OF DETACHED DWELLING EXTENSION AND GARAGE/WORKSHOP
<b>Relevant Period of Approval</b>	2 Years
<b>Other Necessary Permits</b>	Building, plumbing
<b>Attachments</b>	Standard drawing TSD-SW29-v3 Standard drawing TSD-R09-v3
<b>Representations</b>	One (1)

## INTRODUCTION:

The applicant is seeking approval for alterations to an existing dwelling plus construction of a detached dwelling extension and Garage/Workshop at 77 St Helens Point Road, Stieglitz.

## COUNCIL DECISION:

**01/26.8.2.669**      Moved: Clr K Chapple/ Seconded: Clr B LeFevre

A. After due consideration of the application received and pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Tasmanian Planning Scheme – Break O'Day*, that the application for Alterations to Existing Dwelling plus Construction of Detached Dwelling Extension and Garage/Workshop on land situated at 77 St Helens Point Road, Stieglitz described in Certificate of Title 63379/39 be APPROVED subject to the following plans / documents and conditions:

<b>Approved Plans / Documents</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Cover Sheet	-	Jennifer Binns Building Design	22.10.25
Site Plan	Sheet No: a03	Jennifer Binns Building Design	22.10.25
Existing Dwelling Floor Plan	Sheet No: a04	Jennifer Binns Building Design	22.10.25
Proposed Dwelling Floor Plan	Sheet No: a05	Jennifer Binns Building Design	22.10.25
Proposed Outbuilding	Sheet No: a06	Jennifer Binns Building Design	22.10.25
Elevations	Sheet No: a07	Jennifer Binns Building Design	22.10.25
Elevations	Sheet No: a08	Jennifer Binns Building Design	22.10.25
Elevations	Sheet No: a09	Jennifer Binns Building Design	22.10.25
Visuals	Sheet No: a10	Jennifer Binns Building Design	22.10.25
Shadow Diagrams	Sheet No: a11	Jennifer Binns Building Design	22.10.25
Planning Compliance Report	-	Jennifer Binns Building Design	22.10.25
Bushfire Consultant Advice on Vegetation Removal	-	Roger Fenwick	22.10.25
Landslide Risk Assessment	GL22355Ac	GeoTon Pty Ltd	11 August 2025

## CONDITIONS

CONDITION	TIMING
<b>1 Approved Plans and/or Document</b>	
A Undertake development in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
<b>2 Residential (Single Dwelling)</b>	
A The garage/workshop is approved for non-habitable residential use only.	To be maintained at all times.
B If a visitor accommodation use is sought for the structures, a further development application must be lodged with Council to seek approval for the allocation of an additional use to the structures.	Prior to use and maintained at all times.
<b>3 Widening Crossover and Stormwater Connection</b>	
A A new stormwater connection at the kerb must be completed by a licenced plumber in accordance with standard drawing TSD-SW29-v3 (see attached).	Prior to use and maintained at all times.
B Concentrated stormwater must not be discharged into neighbouring properties.	To be maintained at all times.
C The crossover (kerb to property boundary) may be widened to 6m as proposed and must be constructed in accordance with standard drawing TSD-R09-v3 (see attached)	Prior to use and maintained at all times.
D An application must be submitted to obtain a Works Permit prior to undertaking any work on the stormwater connection at the kerb and/or the crossover widening.	Prior to any work on the stormwater connection.
<b>4 Residential Car Parking</b>	
A The areas shown to be set aside for vehicle access and car parking must be: <ul style="list-style-type: none"> <li>c. completed before the use of the development;</li> <li>d. Constructed with a sealed surface and drained to the public stormwater system.</li> </ul>	Prior to use and maintained at all times.
<b>5 Nuisance</b>	
A Residential use of the development must not create a nuisance as defined by the <i>Environmental Management and Pollution Control Act 1994</i> .	At all times.
B During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.	Prior to use and maintained at all times.
C All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.	At all times.

<b>6</b>	<b>Underground Infrastructure</b>	
A	All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works.	Prior to site works and maintained at all times.
<b>7</b>	<b>Landslip Hazard</b>	
A	All works must be undertaken in accordance with all recommendations of the Landslide Risk Assessment, Part 10, GeoTon Pty Ltd, GL22355Ac, 11 August 2025.	Prior to site works and maintained at all times.

## ADVICE

1. 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.
2. 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

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

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

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

	<b>Details</b>
<b>Development Description</b>	RESIDENTIAL - ALTERATIONS TO EXISTING DWELLING PLUS CONSTRUCTION OF DETACHED DWELLING EXTENSION AND GARAGE/WORKSHOP
<b>Relevant Period of Approval</b>	2 Years
<b>Other Necessary Permits</b>	Building, plumbing
<b>Attachments</b>	Standard drawing TSD-SW29-v3 Standard drawing TSD-R09-v3
<b>Representations</b>	One (1)

## CARRIED

**FOR - Mayor M Tucker, Clr K Chapple, Clr G Barnes, Clr V Oldham, Clr B LeFevre, Clr L Whittaker, Clr I Carter**

**AGAINST – Clr L Johnstone, Clr K Wright**

01/26.8.3

**DA 185-2025 - 213 Binalong Bay Road, St Helens - Residential - Construction of a New Dwelling and Relocation of Existing Shipping Container AND Visitor Accommodation - Change of Use to the Existing Dwelling for Visitor Accommodation only (Removal of Residential Use)**

<b>FILE REFERENCE</b>	DA 185-2025
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#### **OFFICER'S RECOMMENDATION:**

A. After due consideration of the application received and pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Tasmanian Planning Scheme – Break O'Day*, that the application for Residential - Construction of a New Dwelling and Relocation of Existing Shipping Container AND Visitor Accommodation - Change of Use to the Existing Dwelling for Visitor Accommodation only (Removal of Residential Use) on land situated at 213 Binalong Bay Road, St Helens described in Certificate of Title 188864/2 be APPROVED subject to the following plans / documents and conditions:

<b>Approved Plans / Documents</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Cover Sheet	A00, Issue A2	Spectura Studio	17/12/2025
Site Plan	A01, Issue A2	Spectura Studio	17/12/2025
Schematic Design	A02, Issue A	Spectura Studio	30/09/2025
Proposed Floor Plan – Entry	A03, Issue A	Spectura Studio	30/09/2025
Proposed Floor Plan – Lower	A04, Issue A	Spectura Studio	30/09/2025
Elevations	A05, Issue A2	Spectura Studio	17/12/2025
Elevations 2	A06, Issue A2	Spectura Studio	17/12/2025
Door / Window Schedule	A07, Issue A	Spectura Studio	30/09/2025
Existing Floor Plan	A08, Issue A1	Spectura Studio	3/11/2025
Structural Feature Elements	A09, Issue A	Spectura Studio	30/09/2025
Renders	A10, Issue A	Spectura Studio	30/09/2025
Landslip Hazard	A11, Issue A	Spectura Studio	30/09/2025
Planning Scheme Response	Nil	Spectura Studio	November 2025

#### **CONDITIONS**

<b>CONDITION</b>	<b>TIMING</b>
<b>1</b>	<b>Approved Plans and/or Document</b>
A	Undertake development in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.
2	<b>Single Dwelling</b>

A	If a visitor accommodation use is sought for the dwelling proposed as part of this application, a further development application must be lodged with Council to seek approval for the allocation of an additional use to the dwelling.	Prior to use and maintained at all times.
<b>3</b>	<b>Visitor Accommodation</b>	
A	The dual residential and visitor accommodation use rights currently benefiting the existing dwelling structure will be reduced exclusively to visitor accommodation use upon completion of the dwelling proposed as part of this application.	Upon completion of the new dwelling structure and maintained at all times.
<b>4</b>	<b>Stormwater</b>	
A	Concentrated stormwater must not be discharged into neighbouring properties.	To be maintained at all times.
<b>5</b>	<b>Residential Car Parking</b>	
A	The areas shown to be set aside for vehicle access and car parking must be: <ol style="list-style-type: none"> <li>completed before the use of the development;</li> <li>surfaced with a pervious dust free surface and drained in a manner that will not cause stormwater nuisance.</li> </ol>	Prior to use and maintained at all times.
<b>6</b>	<b>External Colours</b>	
A	The colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements.	Prior to the commencement of use and to be maintained at all times.
<b>7</b>	<b>Erosion and Sediment Control</b>	
A	Submit and have approved by Council, an Erosion and Sediment Control Plan prepared by a suitably qualified person.	Prior to commencement of works and to be maintained current at all times during construction.
B	Implement the requirements and recommendations of the Erosion and Sediment Control Plan.	During site works and for any period of maintenance identified within the Plan.
<b>8</b>	<b>Effluent Disposal</b>	
A	Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's Plumbing Permit Authority.	Prior to the commencement of use and maintained at all times.
<b>9</b>	<b>Nuisance</b>	
A	Use of the development must not create a nuisance as defined by the <i>Environmental Management and Pollution Control Act 1994</i> .	At all times.
B	During the period of construction, works on the site must not result in a concentration of flow onto other	Prior to use and maintained at all times.

	property, or cause ponding or other stormwater nuisance.	
C	The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.	Prior to use and maintained at all times.
D	All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.	At all times.
<b>10</b>	<b>Underground Infrastructure</b>	
A	All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works.	Prior to site works and maintained at all times.

#### ADVICE

1. 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.

2. 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.

3. 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

4. Operation of the approved visitor accommodation use associated with DA 054-2020 Change of Use – Dwelling to Visitor Accommodation must remain in accordance with the conditions included within the permit issued for this previous application.

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

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

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

Development Permit Information		Details
<i>Development Description</i>		Residential - Construction of a New Dwelling and Relocation of Existing Shipping Container AND Visitor Accommodation - Change of Use to the Existing Dwelling for Visitor Accommodation only (Removal of Residential Use)
<i>Relevant Period of Approval</i>		2 Years
<i>Other Necessary Permits</i>		Nil
<i>Attachments</i>		Nil
<i>Representations</i>		Two (2)

## INTRODUCTION:

The applicant is seeking approval for the construction of a three-bedroom dwelling with attached carport and deck in addition to the relocation of an existing shipping container and removal of the residential use right currently benefiting the existing dwelling at 213 Binalong Bay Road, St Helens.

## COUNCIL DECISION:

**01/26.8.3.670      Moved: Clr K Chapple/ Seconded: Clr B LeFevre**

A. After due consideration of the application received and pursuant to Section 57 of *the Land Use Planning & Approvals Act 1993* and the *Tasmanian Planning Scheme – Break O'Day*, that the application for Residential - Construction of a New Dwelling and Relocation of Existing Shipping Container AND Visitor Accommodation - Change of Use to the Existing Dwelling for Visitor Accommodation only (Removal of Residential Use) on land situated at 213 Binalong Bay Road, St Helens described in Certificate of Title 188864/2 be APPROVED subject to the following plans / documents and conditions:

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Cover Sheet	A00, Issue A2	Spectura Studio	17/12/2025
Site Plan	A01, Issue A2	Spectura Studio	17/12/2025
Schematic Design	A02, Issue A	Spectura Studio	30/09/2025
Proposed Floor Plan – Entry	A03, Issue A	Spectura Studio	30/09/2025
Proposed Floor Plan – Lower	A04, Issue A	Spectura Studio	30/09/2025
Elevations	A05, Issue A2	Spectura Studio	17/12/2025
Elevations 2	A06, Issue A2	Spectura Studio	17/12/2025
Door / Window Schedule	A07, Issue A	Spectura Studio	30/09/2025
Existing Floor Plan	A08, Issue A1	Spectura Studio	3/11/2025
Structural Feature Elements	A09, Issue A	Spectura Studio	30/09/2025
Renders	A10, Issue A	Spectura Studio	30/09/2025
Landslip Hazard	A11, Issue A	Spectura Studio	30/09/2025
Planning Scheme Response	Nil	Spectura Studio	November 2025

## CONDITIONS

<b>CONDITION</b>		<b>TIMING</b>
<b>1</b>	<b>Approved Plans and/or Document</b>	
A	Undertake development in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
<b>2</b>	<b>Single Dwelling</b>	
A	If a visitor accommodation use is sought for the dwelling proposed as part of this application, a further development application must be lodged with Council to seek approval for the allocation of an additional use to the dwelling.	Prior to use and maintained at all times.
<b>3</b>	<b>Visitor Accommodation</b>	
A	The dual residential and visitor accommodation use rights currently benefiting the existing dwelling structure will be reduced exclusively to visitor accommodation use upon completion of the dwelling proposed as part of this application.	Upon completion of the new dwelling structure and maintained at all times.
<b>4</b>	<b>Stormwater</b>	
A	Concentrated stormwater must not be discharged into neighbouring properties.	To be maintained at all times.
<b>5</b>	<b>Residential Car Parking</b>	
A	The areas shown to be set aside for vehicle access and car parking must be: <ol style="list-style-type: none"> <li>c. completed before the use of the development;</li> <li>d. surfaced with a pervious dust free surface and drained in a manner that will not cause stormwater nuisance.</li> </ol>	Prior to use and maintained at all times.
<b>6</b>	<b>External Colours</b>	
A	The colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements.	Prior to the commencement of use and to be maintained at all times.
<b>7</b>	<b>Erosion and Sediment Control</b>	
A	Submit and have approved by Council, an Erosion and Sediment Control Plan prepared by a suitably qualified person.	Prior to commencement of works and to be maintained current at all times during construction.
B	Implement the requirements and recommendations of the Erosion and Sediment Control Plan.	During site works and for any period of maintenance identified within the Plan.
<b>8</b>	<b>Effluent Disposal</b>	
A	Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's Plumbing Permit Authority.	Prior to the commencement of use and maintained at all times.
<b>9</b>	<b>Nuisance</b>	

A	Use of the development must not create a nuisance as defined by the <i>Environmental Management and Pollution Control Act 1994</i> .	At all times.
B	During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.	Prior to use and maintained at all times.
C	The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.	Prior to use and maintained at all times.
D	All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.	At all times.
<b>10</b>	<b>Underground Infrastructure</b>	
A	All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works.	Prior to site works and maintained at all times.

## ADVICE

1. 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.
2. 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.
3. 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
4. Operation of the approved visitor accommodation use associated with DA 054-2020 Change of Use – Dwelling to Visitor Accommodation must remain in accordance with the conditions included within the permit issued for this previous application.

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

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

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

Development Permit Information	Details
<i>Development Description</i>	Residential - Construction of a New Dwelling and Relocation of Existing Shipping Container AND Visitor Accommodation - Change of Use to the Existing Dwelling for Visitor Accommodation only (Removal of Residential Use)
<i>Relevant Period of Approval</i>	2 Years
<i>Other Necessary Permits</i>	Nil
<i>Attachments</i>	Nil
<i>Representations</i>	Two (2)

**CARRIED**

**FOR - Mayor M Tucker, Clr K Chapple, Clr G Barnes, Clr V Oldham, Clr B LeFevre, Clr L Whittaker, Clr I Carter**

**AGAINST – Clr L Johnstone, Clr K Wright**

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

The meeting adjourned for morning tea at 11am. The meeting resumed at 11:14am.

**01/26.9.0 COUNCIL MEETING ACTIONS**

**01/26.9.1 Outstanding Matters**

Clr K Chapple – Telstra Tower, has a response been received a response to the letter requesting a community meeting.

Clr L Johnstone - Protection of high conservation forests noted there is a difference between protection and sustainable management.

Clr L Johnstone - Illegal land clearing clarification on why it is listed at 100% completion and could an item to go to Council Workshop for discussion.

Clr L Johnstone - Protection of scenic and natural values of the East Coast Coastline and could a draft report be brought to Council Workshop

Clr K Wright –Illegal land clearing, what had taken place and was it the education process.

Clr L Whittaker – Illegal land clearing and, can offenders be fined \$50,000,

Clr I Carter – St Patricks Head, any update on the dual naming request.

## 01/26.10.0 PETITIONS

Nil

## 01/26.11.0 NOTICES OF MOTION

A motion may be set aside by the Chairperson to be considered at a subsequent meeting, in accordance with Regulation 18 of the Local Government (Meeting Procedures) Regulations 2025

Nil

## 01/26.12.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

### 01/26.12.1 Mayor's Communications for Period Ending 19 January 2026

12.01.2026	<b>MS Teams</b>	– NTRLUS Consultation - Briefing session for Councillors for the progress to date of the review of the Northern Tasmania Regional Land Use Strategy (NTRLUS).
13.01.2026	<b>Hobart</b>	– Meeting with Ms Jane Howlett to discuss campsites in Break O'Day.
14.01.2026	<b>MS Teams</b>	– Meeting with LGAT CEO Dion Lester and GMC Vice President, Mayor Paula Wriedt.
19.01.2026	<b>St Helens</b>	– Council Meeting.

### 0/25.12.2 Councillor's Reports for Period Ending 19 January 2026

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

- Break O'Day Chamber of Commerce and Tourism – Deputy Mayor Kristi Chapple  
Next meeting is scheduled for Tuesday 3 March 2026.

- NRM Special Committee – Clr Liz Johnstone  
Next meeting is scheduled for Tuesday 3 February, there may be an opportunity to have site visit beforehand, for the Scamander River Mouth project.

- East Coast Tasmania Tourism (ECTT) – Clr Barry LeFevre  
Next meeting is scheduled for 6 February 2026.
- Mental Health Action Group – Clr Barry LeFevre  
Nil
- Access and Inclusion Advisory Committee – Clr Kylie Wright  
The last meeting was held in December and Clr Carter reported on this at the December Council meeting.
- Bay of Fires Master Plan Steering Committee – Clr Ian Carter  
There has been no meeting held. The Committee is eagerly awaiting public consultation, hopefully to be undertaken soon, within the busy period.

01/26.13.0 BUSINESS AND CORPORATE SERVICES

01/26.13.1 Corporate Services Department Report

<b>FILE REFERENCE</b>	018\018\001\
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## **OFFICER'S RECOMMENDATION:**

That the report be received.

## INTRODUCTION:

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

## COUNCIL DECISION:

**01/26.13.1.671** Moved: Clr L Whittaker/ Seconded: Clr V Oldham

That the report be received.

## **CARRIED UNANIMOUSLY**

01/26.13.2

## Monthly Financial Report

FILE REFERENCE	018\018\001\
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### OFFICER'S RECOMMENDATION:

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

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

### INTRODUCTION:

Presented to Council are the monthly financial statements.

### COUNCIL DECISION:

01/26.13.2.672

Moved: Clr G Barnes/ Seconded: Clr I Carter

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

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

### CARRIED UNANIMOUSLY

01/26.14.0

## WORKS AND INFRASTRUCTURE

01/26.14.1

### Works and Infrastructure Report

FILE REFERENCE	014\002\001\
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### 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.

**COUNCIL DECISION:****01/26.14.1.673**Moved: Clr G Barnes/ Seconded: Clr K Chapple

That the report be received by Council.

**CARRIED UNANIMOUSLY****01/26.14.2****Animal Control Report**

FILE REFERENCE	003\003\018\
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**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.

**COUNCIL DECISION:****01/26.14.2.674**Moved: Clr K Chapple/ Seconded: Clr L Whittaker

That the report be received by Council.

**CARRIED UNANIMOUSLY****01/26.15.0****COMMUNITY DEVELOPMENT****01/26.15.1****Community Services Report**

FILE REFERENCE	011\034\006\
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**OFFICER'S RECOMMENDATION:**

That the report be received.

**INTRODUCTION:**

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

**COUNCIL DECISION:****01/26.15.1.675**Moved: Clr L Whittaker/ Seconded: Clr K Wright

That the report be received.

**CARRIED UNANIMOUSLY****01/26.15.2****Visitor Information Centre Report**

FILE REFERENCE	040\028\002\
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**OFFICER'S RECOMMENDATION:**

That the report be received.

**INTRODUCTION:**

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

**COUNCIL DECISION:****01/26.15.2.676**Moved: Clr K Wright/ Seconded: Clr B LeFevre

That the report be received.

**CARRIED UNANIMOUSLY****01/26.16.0****DEVELOPMENT SERVICES****01/26.16.1****Development Services Report**

FILE REFERENCE	031\013\003\
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**OFFICER'S RECOMMENDATION:**

That the report be received.

**INTRODUCTION:**

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

**COUNCIL DECISION:****01/26.16.1.677**Moved: Clr B LeFevre / Seconded: Clr G Barnes

That the report be received.

**CARRIED UNANIMOUSLY****01/26.16.2****Formal Adoption of Street Name – Lawry Heights Subdivision**

FILE REFERENCE	DA 056-2022
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**OFFICER'S RECOMMENDATION:**

That Council approve the use of the name “Argus Court” for the cul de sac currently un-named off Ocean Vista Drive, St Helens (Subdivision Reference – DA 056-2022)

**INTRODUCTION:**

The provision of official street names and property numbering is important to ensure quick and correct property identification for private, commercial and emergency purposes and enable connections to be made to reticulated service systems.

**COUNCIL DECISION:****01/26.16.2.678**Moved: Clr K Wright/ Seconded: Clr B LeFevre

That Council approve the use of the name “Argus Court” for the cul de sac currently un-named off Ocean Vista Drive, St Helens (Subdivision Reference – DA 056-2022)

**CARRIED UNANIMOUSLY****01/26.16.3****Tasmanian Government – Single Start-Up Permit**

FILE REFERENCE	25/5310
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**OFFICER'S RECOMMENDATION:**

The Break O'Day Council provide the attached submission, including any Council directed amendments, to the Department State Growth in relation to government request for feedback on the proposed Single Start-up Permit – Discussion Paper.

## INTRODUCTION:

The State Government, through the Department of State Growth has commenced a consultation phase for the consideration of a Single Start-Up Permit aimed at supporting small business in Tasmania. The objective is to make it easier and faster to start a business in Tasmania.

The aim of the Single Start-Up Permit (SSUP) is to:

- Simplify and consolidate permit applications and approval across local and state government.
- Cut start-up time and cost, reducing administrative burden for entrepreneurs.
- Encourage innovation, regional development and job creation.
- Maintain high standards for public safety, health and environmental protection.

This consultation phase is open until **13 February 2026**.

The key outcome being sought is to simplify and streamline the process of starting a small business and is aimed at:

- New lower-risk ventures
- Providing an avenue for entrepreneurs to test the market while they secure the normal permits and licences.

The initiative is part of the government's programme of cutting red tape.

## COUNCIL DECISION:

**01/26.16.3.679**

Moved: Clr K Chapple/ Seconded: Clr G Barnes

The Break O'Day Council provide the attached submission, including any Council directed amendments, to the Department State Growth in relation to government request for feedback on the proposed Single Start-up Permit – Discussion Paper.

## CARRIED UNANIMOUSLY

**01/26.16.4**

**Protection of the high conservation value Future Potential Production Forests**

**FILE REFERENCE**

017\012\002\

## OFFICER'S RECOMMENDATION:

Council supports the sustainable management of Future Potential Production Forest land for its nature conservation values and the economic and social values these forests hold for Break O'Day.

## INTRODUCTION:

At Council's 2024/2025 Annual General Meeting on 9 December 2025 the North East Bioregional Network tabled a Motion that Council support protection of "high conservation value Future Potential Production Forests".

## COUNCIL DECISION:

**01/26.16.4.680**

Moved: Clr B LeFevre/ Seconded: Clr V Oldham

Council supports the sustainable management of Future Potential Production Forest land for its nature conservation values and the economic and social values these forests hold for Break O'Day.

### **Amended Motion was moved**

Moved: Clr L Johnstone / Seconded: Clr L Whittaker

Council supports the protection of the high conservation value Future Potential Production Forests in the Break O'Day municipality in secure reserves (National Parks, State Reserves or Nature Reserves), under the Nature Conservation Act 2002.

### **Procedural Motion**

Moved: Clr K Chapple / Seconded: Clr K Wright

That Council defer consideration to a future Council Workshop.

### **CARRIED**

**FOR - Mayor M Tucker, Clr K Chapple, Clr G Barnes, Clr V Oldham, Clr B LeFevre, Clr I Carter  
AGAINST – Clr L Whittaker**

Clr L Whittaker departed the meeting at 12:47pm.

**01/26.17.0                    GOVERNANCE**

**01/26.17.1                    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 matters which are being dealt with by the General Manager and with other Council Officers where required.

**COUNCIL DECISION:****01/26.17.1.681**Moved: Clr G Barnes/ Seconded: Clr I Carter

That the General Manager's report be received.

**CARRIED UNANIMOUSLY**

*Pursuant to Regulation 17(1) of the Local Government (Meeting Procedures) Regulations 2025  
Council will move into Closed Council.*

Moved: Clr K Wright / Seconded: Clr V Oldham

IN CONFIDENCE

01/26.18.0      CLOSED COUNCIL

*In accordance with Regulation 43 of the Local Government (Meeting Procedures) Regulations 2025, audio recordings of **Closed Council meetings** must be made but are **not to be published**. These recordings will be stored securely and kept separate from public recordings, in line with confidentiality requirements.*

**01/26.18.1 Confirmation of Closed Council Minutes – Council Meeting 15 December 2025**

## COUNCIL DECISION:

01/26.18.1.CC Moved: Clr B LeFevre/ Seconded: Clr K Chapple

That the minutes of the Closed Council Meeting held on the 15 December 2025 be confirmed.

## **CARRIED UNANIMOUSLY**

01/26.18.2 Outstanding Actions List for Closed Council

Noted

01/26.18.3 Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2025 - Tender – Design & Construct Contract, Contract 030\001\155 – Bridge 2684 Superstructure Replacement

## DECISION TO APPEAR IN OPEN COUNCIL:

01/26.18.3.CC Moyed: Clr I Carter/ Seconded: Clr K Wright

That Council award Contract 030\001\155 "Bridge 2684 Superstructure Replacement" to TasSpan Civil Contracting.

## CARRIED UNANIMOUSLY

*Pursuant to Regulation 17(1) of the Local Government (Meeting Procedures) Regulations 2025  
Council will move out of Closed Council.*

Moved: Clr G Barnes/ Seconded: Clr K Wright

**01/26.19.0                    MEETING CLOSED**

Mayor Tucker thanks everyone for their attendance and declared the meeting closed at 1pm.

.....  
**MAYOR**

.....  
**DATE**