

# COUNCIL MEETING MINUTES

Monday 15 September 2025  
Council Chambers, St Helens

General Manager  
Break O'Day Council  
15 September 2025

## CONTENTS

AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL .....	5
OPENING & INTRODUCTION .....	5
ACKNOWLEDGEMENT OF COUNTRY .....	5
LIVE AUDIO/VISUAL STREAMING OF COUNCIL MEETINGS .....	5
09/25.1.0 ATTENDANCE .....	6
09/25.1.1 Present .....	6
09/25.1.2 Apologies.....	6
09/25.1.3 Leave of Absence .....	6
09/25.1.4 Staff in Attendance .....	6
09/25.2.0 PUBLIC QUESTION TIME.....	7
09/25.2.1 Elephant Pass Development Application DA053-2025 – Bronwyn Zemanek OBO Karl and Robina Balzer .....	7
09/25.2.2 Elephant Pass Development Application DA053-2025 – Bronwyn Zemanek.....	8
09/25.2.3 St Marys Exhibition Building – Graeme Wathen.....	8
09/25.2.4 The Lords Prayer and Scamander Gym Equipment – Pauline Jervis .....	9
09/25.2.5 Elephant Pass Development Application DA053-2025 – Judith Woods.....	9
09/25.2.6 Elephant Pass Development Application DA053-2025 – Cllr Kylie Wright OBO Bronwyn Zemanek .....	10
09/25.3.0 COUNCILLOR’S QUESTIONS ON NOTICE .....	10
09/25.4.0 COUNCILLOR’S QUESTIONS WITHOUT NOTICE .....	10
09/25.5.0 DECLARATION OF INTERESTS OF A COUNCILLOR OR CLOSE ASSOCIATE .....	10
09/25.6.0 CONFIRMATION OF MINUTES.....	11
09/25.6.1 Confirmation of Minutes – Council Meeting 18 August 2025 .....	11
09/25.7.0 COUNCIL WORKSHOPS HELD SINCE 18 AUGUST 2025 COUNCIL MEETING .....	11
09/25.8.0 PLANNING AUTHORITY .....	12
09/25.8.1 DA 053-2025 - 824 Elephant Pass Road, Gray - Visitor Accommodation Glamping Domes x 3, Sauna and Plunge Pool .....	12
09/25.9.0 COUNCIL MEETING ACTIONS .....	27
09/25.9.1 Outstanding Matters.....	27
09/25.10.0 PETITIONS.....	27
09/25.11.0 NOTICES OF MOTION .....	27
09/25.11.1 Installing Pedestrian Crossings in St Helens – Mayor Tucker .....	27
09/25.12.0 MAYOR’S & COUNCILLOR’S COMMUNICATIONS.....	28
09/25.12.1 Mayor’s Communications for Period Ending 15 September 2025 .....	28
09/25.12.2 Councillor’s Reports for Period Ending 15 September 2025 .....	28

09/25.13.0	BUSINESS AND CORPORATE SERVICES.....	30
09/25.13.1	Corporate Services Department Report .....	30
09/25.13.2	Monthly Financial Report.....	30
09/25.13.3	Visitor Information Centre Report .....	31
09/25.13.4	Policy – LG07 Procurement (Code for Tenders and Contracts) .....	32
09/25.13.5	Policy – LG11 Rating and Exemptions Policy.....	32
09/25.13.6	Request for Rate Remission – 14 Mangana Road, Fingal .....	33
09/25.14.0	WORKS AND INFRASTRUCTURE .....	33
09/25.14.1	Works and Infrastructure Report.....	33
09/25.14.2	Animal Control Report .....	34
09/25.15.0	COMMUNITY DEVELOPMENT .....	34
09/25.15.1	Community Services Report.....	34
09/25.15.2	Defibrillator Maintenance.....	35
09/25.15.3	Sponsorship request – Sea & Salt- Rock & Light – Forest & Quiet – Sky & Weather Exhibition at The Panorama Hotel .....	36
09/25.16.0	DEVELOPMENT SERVICES.....	36
09/25.8.1	DA 053-2025 - 824 Elephant Pass Road, Gray - Visitor Accommodation Glamping Domes x 3, Sauna and Plunge Pool (Cont.) .....	36
09/25.16.1	Development Services Report.....	37
09/25.16.2	Establishment of the St Marys Exhibition Building Liaison Committee.....	37
09/25.16.3	Interim Report on Coastal and Flood Hazards - Scamander Coastal Hazards Risk Mitigation and Pathways Project.....	38
09/25.17.0	GOVERNANCE.....	39
09/25.17.1	General Manager’s Report.....	39
09/25.17.2	2024-2025 Annual Plan Quarterly Review .....	39
09/25.17.3	Northern Tasmania Development Corporation Ltd (NTDC) – Receipt of Quarterly Report April-June 2025 .....	40
09/25.17.4	Draft Policy – Dispute Resolution Policy .....	40
09/25.17.5	Request to proceed with EOI process on The Titley Shack.....	41
09/25.17.6	Notice of Recission - Public Land List - St Helens Aerodrome .....	42
09/25.17.7	Review of Public Land Register .....	44
09/25.18.0	CLOSED COUNCIL .....	45
09/25.18.1	Confirmation of Closed Council Minutes – Council Meeting 18 August 2025 .....	45
09/25.18.2	Outstanding Actions List for Closed Council .....	45
09/25.18.3	Closed Council Item Pursuant to Section 17(2)E of the Local Government (Meeting Procedures) Regulations 2025 – 2025/2026 Bituminous Surfacing Program .....	45

09/25.18.4	Closed Council Item Pursuant to Section 17(2)H of the Local Government (Meeting Procedures) Regulations 2025 - Request to Waiver Interest and Penalty – Esk Main Road, St Marys .....	46
07/25.18.5	Closed Council Item Pursuant to Section 17(2)D of the Local Government (Meeting Procedures) Regulations 2025 -Lease - St Helens Aerodrome .....	46
09/25.18.6	Closed Council Item Pursuant to Section 17(2)E of the Local Government (Meeting Procedures) Regulations 2025 TOMRA/Recycle Rewards Container Deposit Location 47	
09/25.19.0	MEETING CLOSED.....	47

## 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.*

## **09/25.1.0 ATTENDANCE**

### **09/25.1.1 Present**

Mayor Mick Tucker  
Deputy Mayor Kristi Chapple  
Councillor Barry LeFevre  
Councillor Vaughan Oldham  
Councillor Kylie Wright

### **09/25.1.2 Apologies**

Councillor Ian Carter  
Councillor Gary Barnes

### **09/25.1.3 Leave of Absence**

Councillor Liz Johnstone  
Councillor Janet Drummond

### **09/25.1.4 Staff in Attendance**

General Manager, John Brown  
Administration & Governance Support Officer, Linda Singline  
Corporate Services Coordinator, Angela Matthews (*Item 1.0-19.0*)  
Executive Officer, Jayne Richardson (*Item 1.0 – 19.0*)  
Manager Infrastructure and Development Services, David Jolly (*Item 1.0 – 19.0*)  
Economic Development Officer, Dilara Bedwell (*Item 14.2 – 19.0*)  
Development Services Coordinator, Jake Ihnen (*Item 1.0-8.1, 14.0-19.0*)  
Planning Officer, Alex McKinlay (*Item 1.0-8.1, 15.2–16.0*)  
NRM Facilitator, Polly Buchhorn (*Item 15.3 – 17.0*)  
Business Services Manager, Raoul Harper (*Item 1.0-15.0*)  
Manager Community Services, Chris Hughes (*Item 1.0-15.3*)

*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.

Five people in the gallery.

### 09/25.2.1

### Elephant Pass Development Application DA053-2025 – Bronwyn Zemanek OBO Karl and Robina Balzer

Does Council know and/or can they confirm if Geoconservation information was also specifically included and considered in this DA assessment?

#### REPLY

All development applications are assessed in accordance with the Tasmanian Planning Scheme. Assessments outside the Tasmanian Planning Scheme are not Council's jurisdiction with respect to the assessment for a development application. The applicable zones and codes were considered in full and are listed below. The Council report prepared by Councils Senior Planner provides detailed assessment against the criteria of the zone and codes applicable.

- 20.0 Rural Zone
- C1.0 Signs Code
- C2.0 Parking and Sustainable Transport Code
- C3.0 Road and Railway Assets Code
- C7.0 Natural Assets Code
- C8.0 Scenic Protection Code
- C15.0 Landslip Hazard Code

1. With regard to development applications such as the one under consideration today, how does Council deal with discrepancies with information provided by the developer on their plans and the information provided by the List maps that are also used to consider the application?
2. How will neighbours and interested parties be able to confirm and check that the conditions of the DA are complied with at the time of building application?

**REPLY**

1. The assessment by Council relies upon the licenced building designer and their expertise in providing the relevant information and materials to support the development application. The site plan does indicate the historical issues which have been in existence for many years. Council's role is to assess the development proposal for the subject site and all of the proposed new development is wholly contained within the property boundaries. Council officers have provided a detailed report which recommends approval with reasonable and relevant conditions.
2. All conditions of a planning permit are the responsibility of the Council to ensure compliance. The conditions table recommended include timing of compliance with conditions and Council as the planning authority must observe the conditions imposed and ensure the development is completed in accordance with those conditions.

1. Does the Council intend to seek public review of the proposed Terms of Reference for the repair and maintenance of the St Marys Exhibition Building as specified in the motion passed at the 21 July Council meeting?
2. Could target timelines for the various stages of the project be included, say for:
  - completion of the project brief for the structural repairs
  - completion of assessment of tenders for the structural repairs
  - completions of the structural repairs
  - completion of the EOI process for potential building uses
  - completion of any briefs required for potential future use needs
  - completion of any tenders for supply of non-structural measures, and
  - completions of provisions of any non-structural measures?
3. Will the Liaison Committee make recommendations on expenditures from the \$100,000 budget?

**REPLY**

1. Council will not be seeking further public review of the Terms of Reference, as these were formally approved at the September Council Meeting.
2. Timelines for the project will be developed in consultation with the Liaison Committee and reported back to Council as required.
3. Yes, the Liaison Committee is responsible for overseeing allocation and use of the \$100,000 budget as indicated in the Terms of Reference in the Agenda Item



1. I am hoping you can tell me why our Lord's Prayer is no longer said?
2. Any news, updates, timeframe set in stone yet as to when Scamander will be getting our gym equipment?

**REPLY**

1. Council Meetings are conducted in accordance with the requirements of the *Local Government Act 1993 (Tasmania)* and Council's adopted Meeting Procedures. These do not provide for the recitation of the Lord's Prayer, and to Council's knowledge, this has not been part of past meeting practice since the Break O'Day Council was created in 1993.
2. No, there are no further updates at this stage. We refer to you the previous response provided to you in the July 2025 Minutes as well as the letter written to you by the Mayor on January 15.

1. I am concerned about trees being fallen on private property and neighbours' property – My question to Council is – Is it possible that Council can take quite seriously the legal rights of people when it comes to falling trees on other people's land.
2. Is Council going to support me with this?

**REPLY**

1. Council takes all illegal works seriously and undertakes an investigation. Council have investigated the alleged vegetation clearance and in this instance compliance action is not being undertaken given the application is being considered which involves the vegetation clearance which has occurred and the age of the work occurring. Council have not been provided with the necessary evidence that the vegetation has been removed on private property due to the unresolved boundary disputes. Council also notes that due to the head of power it has within the *Land Use Planning and Approvals Act 1993 (Tasmania)* that any action it takes would be against the land owner and not the person alleged to have fallen the trees. If a person has fallen trees on another persons property without permission, it is a civil matter and legal remedies lie with the affected property owner. The matter of alleged trespassing is a police matter.
2. As stated above, Council's head of power in this matter is limited to the legislation which is referred to and Council will act within those constraints. Regarding the allegations which have been made Council does not become involved in supporting civil matters or taking action. In relation to a civil matter Council is not in a position to request a check survey. That is a matter for the property owners to address.

Please can councillors amend the DA approval conditions to include the requirement for the developer to survey his property to ensure that the development will sit within his boundaries and to clarify the discrepancies between his plans and the list map records.

**REPLY**

The decision of Council was referred to the October Council meeting. Assessment by Council relies upon the licenced building designer and their expertise is providing the relevant information and materials to support the development application. The site plan does indicate the historical issues which have been in existence for many years. Council's role is to assess the development proposal for the subject site and all of the proposed new development is wholly contained within the property boundaries. Council officers have provided a detailed report which recommends approval with reasonable and relevant conditions.

Nil

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.

Nil.

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.

## 09/25.6.0 CONFIRMATION OF MINUTES

### 09/25.6.1 Confirmation of Minutes – Council Meeting 18 August 2025

#### OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 18 August 2025 be confirmed.

#### COUNCIL DECISION:

09/25.4.1.571 Moved: Clr V Oldham/ Seconded: Clr B LeFevre

That the minutes of the Council Meeting held on the 18 August 2025 be confirmed.

**CARRIED UNANIMOUSLY**

## 09/25.7.0 COUNCIL WORKSHOPS HELD SINCE 18 AUGUST 2025 COUNCIL MEETING

There was a workshop held 1 September 2025 and the following items were listed for discussion.

- Presentation - Recycle Rewards Container Deposit Scheme
- Presentation - Scamander River Mouth Project
- Pending Development Application Updates
- Establishment of the St Marys Exhibition Building Liaison Committee
- Northern Tasmania Regional Land Use Strategy Review Update
- Coastal Adaptation Pathways - Scamander Coastal Hazards Risk Mitigation and Pathways Planning Project
- Policy – LG07 Procurement (Code for Tenders and Contracts)
- Policy – LG11 Rating and Exemptions Policy
- Request for Rate Remission – 14 Mangana Road, Fingal
- Request to Waiver Interest and Penalty – Esk Main Road, St Marys
- Animal Control Report
- Wrinkler's Detention Basin
- Defibrillator Maintenance
- 2024-2025 Annual Plan Quarterly Review
- Northern Tasmania Development Corporation Ltd (NTDC) – Receipt of Quarterly Report April-June 2025
- Draft Policy – Dispute Resolution Policy
- Bay of Fires Art Prize – Funding Arrangement and Acquisitive/Non-Acquisitive Status
- Sponsorship request – Sea & Salt- Rock & Light – Forest & Quiet – Sky & Weather Exhibition at The Panorama Hotel
- Request to proceed with EOI process on The Titley Shack
- Economic Development Action Plan
- Notice of Recission - Public Land List - St Helens Aerodrome
- Review of Public Land Register

## 09/25.8.0 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.

### 09/25.8.1 DA 053-2025 - 824 Elephant Pass Road, Gray - Visitor Accommodation Glamping Domes x 3, Sauna and Plunge Pool

FILE REFERENCE	DA 2025 / 00053
----------------	-----------------

#### OFFICER'S RECOMMENDATION:

- A. After due consideration of the application received and pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Tasmanian Planning Scheme – Break O’Day*, that the application for Visitor Accommodation - Glamping Domes x 3, Sauna and Plunge Pool on land situated at 824 Elephant Pass Road, Gray described in Certificate of Title 27339/1 be APPROVED subject to the following plans / documents and conditions:

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Cover Page	-	Jennifer Binns Design	-
Site Plan	A04	Jennifer Binns Design	18/07/2025
Typical Deck Layout	A05	Jennifer Binns Design	18/07/2025
Tent 1 Elevation	A06	Jennifer Binns Design	18/07/2025
Tent 2 Elevation	A07	Jennifer Binns Design	18/07/2025
Tent 3 Elevation	A08	Jennifer Binns Design	18/07/2025
Visuals	A09	Jennifer Binns Design	18/07/2025
Proposed Sauna	A10	Jennifer Binns Design	18/07/2025

#### CONDITIONS

CONDITION		TIMING
1.	APPROVED PLANS	
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	The approved plans dated 18/07/2025 do not include a 'Plunge Pool'	Prior to commencement of use and to be maintained at all times.
2.	ON-SITE STORMWATER MANAGEMENT	
A	All run-off must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance.	Prior to the commencement of use and maintained at all times.

CONDITION		TIMING
B	Soakage drains must be of sufficient size to absorb stormwater runoff and are subject to a technical assessment at the building permit authority stage.	To be maintained at all times.
C	Works on the site must not result in a concentration of flow onto other property, or cause ponding or other storm water nuisance.	During site works and to be maintained at all times.
<b>3.</b>	<b>COMMERCIAL CAR PARKING</b>	
	<p>The areas shown to be set aside for vehicle access and carparking internal of the lot, and access from the crown land road reserve must be:</p> <ul style="list-style-type: none"> <li>a) completed before the use of the development;</li> <li>b) have an internal access width not less than 3m;</li> <li>c) comply with Australian Standard AS2890. 1:2004 Parking facilities, Part 1: Off-street car parking;</li> <li>d) 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;</li> <li>e) Surfaced with a dust free surface that restricts abrasion from traffic and minimises entry of water to the pavement;</li> <li>f) Marked by such means to indicate each space to the satisfaction of the Council.</li> <li>g) Drained in a manner that will not cause stormwater nuisance and ensures stormwater runoff is disposed of within the confines of the property.</li> </ul>	Prior to the commencement of use and maintained at all times.
<b>4.</b>	<b>SIGNAGE</b>	
A	<p>Signs must be:</p> <ul style="list-style-type: none"> <li>a) professionally designed and legible;</li> <li>b) structurally sound and not in any way hazardous;</li> <li>c) located entirely within the boundaries of lot C.T. 27339/1;</li> <li>d) situated so as not to obstruct traffic; and</li> <li>e) designed in colours and principles not currently incorporated into statutory or directional signs erected by public authorities.</li> </ul>	Prior to the commencement of use and maintained at all times.
<b>5.</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>6.</b>	<b>NUISANCE</b>	

CONDITION		TIMING
A	Use of the development must not create a nuisance as defined by the Environmental Management and Pollution Control Act 1994.	At all times.
<b>7. BUILDING WASTES</b>		
A	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.	During site works and to be maintained at all times.
<b>8. SOIL AND WATER MANAGEMENT</b>		
A	All works associated with the development must be conducted in accordance with an Erosion and Sediment Control Plan that satisfies the document <i>Erosion and Sediment Control – the fundamentals for development in Tasmania</i> (July 2023 or as amended).	During site works.
B	All worked areas not covered by structures must be promptly and progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.	During site works and to be maintained at all times.
C	All exposed surfaces resulting from the cut associated with excavation of the courtyard(s), including stockpiled material, must be promptly and progressively stabilised so they will not erode and/or act as a source of sediment transfer.	During site works and to be maintained at all times.
<b>9. ACCESS LICENCE</b>		
A	An access licence must be gained from Property Services Tasmania for the private use of Crown Road Reserve adjoining the development site and a copy to be supplied to Council with consent for the construction and surfacing works.	Prior to use and to be maintained at all times.
<b>10. Exterior building lighting</b>		
A	Any necessary exterior building lighting must be located under eaves and limited to that essential to allow the safe and secure movement of pedestrians/guests at night.	Prior to commencement of use and to be maintained at all times
<b>11. External Lighting</b>		
A	Install external lighting in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting).	Prior to commencement of use.
<b>12. External Colours and Finishes</b>		
A	Reflective materials must not be used as visible external elements in the proposed development.	Prior to the commencement of use and to be maintained at all times.

CONDITION		TIMING
<b>13.</b>	<b>Visitor Accommodation Management Plan</b>	
<b>A</b>	A management plan for the operation of the visitor accommodation must be submitted and approved as a compliance of this condition, to the satisfaction of Council's General Manager of delegate and is to include the operation of existing visitor accommodation on the site.	Prior to commencement of use.
<b>B</b>	<p>The management plan must include, but is not limited to, the following measures:</p> <ul style="list-style-type: none"> <li>a) To limit, manage and mitigate noise generated as a result of the visitor accommodation;</li> <li>b) To limit, manage, and mitigate behaviour issues caused as a result of the visitor accommodation;</li> <li>c) To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities;</li> <li>d) To specify the maximum permitted occupancy of the visitor accommodation;</li> <li>e) To specify that if guests utilize the site for the parking of vehicles they must be parked on the site in the approved carparking area and detail where the designated parking space is located and how the space is to be accessed;</li> <li>f) To provide the name and contact phone number of a person who will respond to any complaints regarding behaviour of guests. If the property is to be sold, the Visitor Accommodation Management Plan must be updated with new contact details.</li> </ul>	Prior to commencement of use and to be maintained at all times.
<b>C</b>	Once approved, the management plan must be implemented and must be maintained.	At all times.
<b>D</b>	Once approved, the Visitor Accommodation Management Plan must be provided to adjoining property owners and occupiers.	Prior to the commencement of use and to be maintained at all times.

## ADVICE

1. All works associated with the development should be conducted in accordance with *Guidelines for Soil and Water Management*, Hobart City Council, available on Council's website (<http://www.bodc.tas.gov.au/webdata/resources/files/GuidelinesforSoilandWaterManagement.pdf>). All worked areas not covered by structures must be promptly and progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.

2. 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.
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. Be advised that in accordance with the *Building Act 2016* assessment for building approval cannot commence until such time as Council is provided with full Building Design Plans and Specifications prepared by a Tasmanian Licenced designer.

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)	Yes	Property Services

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

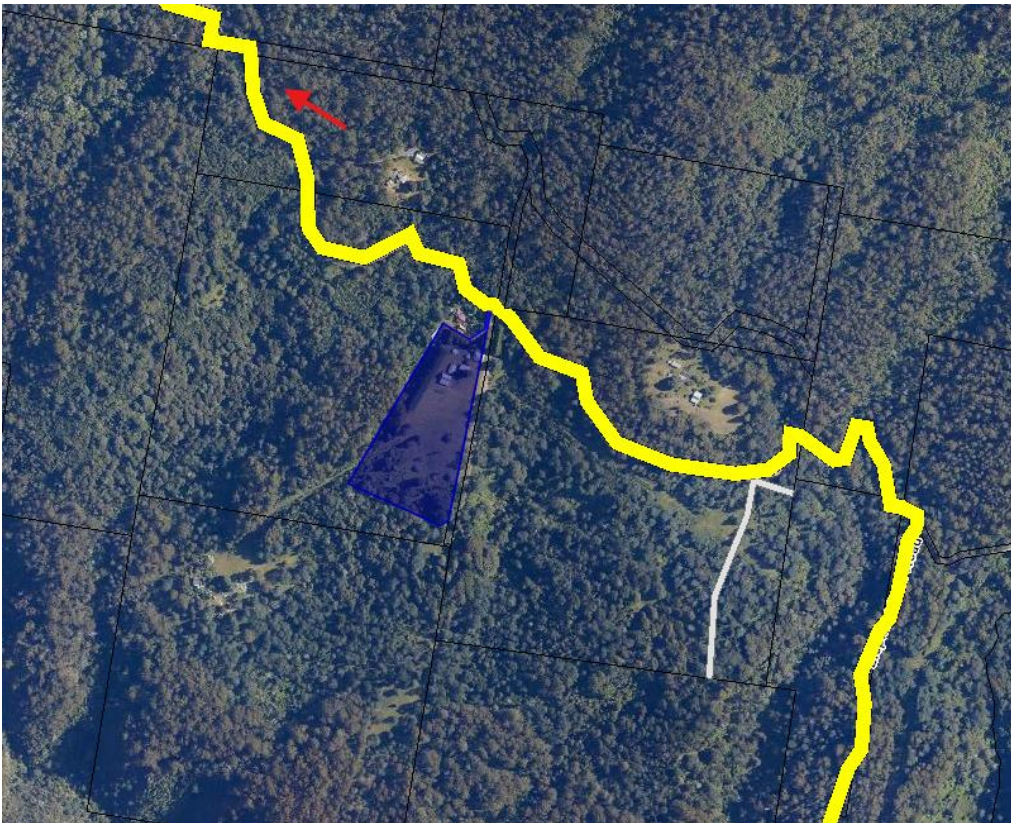
Development Permit Information	Details
<i>Development Description</i>	Visitor Accommodation - Glamping Domes x 3, Sauna and Plunge Pool
<i>Relevant Period of Approval</i>	2 Years
<i>Other Necessary Permits</i>	NIL
<i>Attachments</i>	
<i>Representations</i>	Two

## INTRODUCTION:

The applicant is seeking approval for Visitor Accommodation use within three (3) Glamping Domes. The three Glamping domes are constructed on decking that responds to the topography with the deck having a maximum overall height of 3750mm above natural ground level. The proposed development also includes the use and construction of a Sauna with dimensions 2.7m x 2.7m and a maximum height above natural ground level of 3750mm.

The site supports existing approved uses including two (2) structures for Visitor Accommodation which were existing structures with historically approved Residential use. The site also supports a Food Services use within a structure known locally as the 'Pancake Barn'.





#### Development Site – 824 Elephant Pass Road Gray

Access to the title CT27339/1 is via crown land road reserve from Elephant Pass Road. There is currently no Access Licence for use of the crown land. The application received Crown Consent to Lodge the Development Application and a condition has been applied to require the landowner to secure a crown licence over the access.







**State Road Casement**



**Casement - Crown Land Road Reserve**



**Access from crown land road reserve onto Elephant Pass Road.**

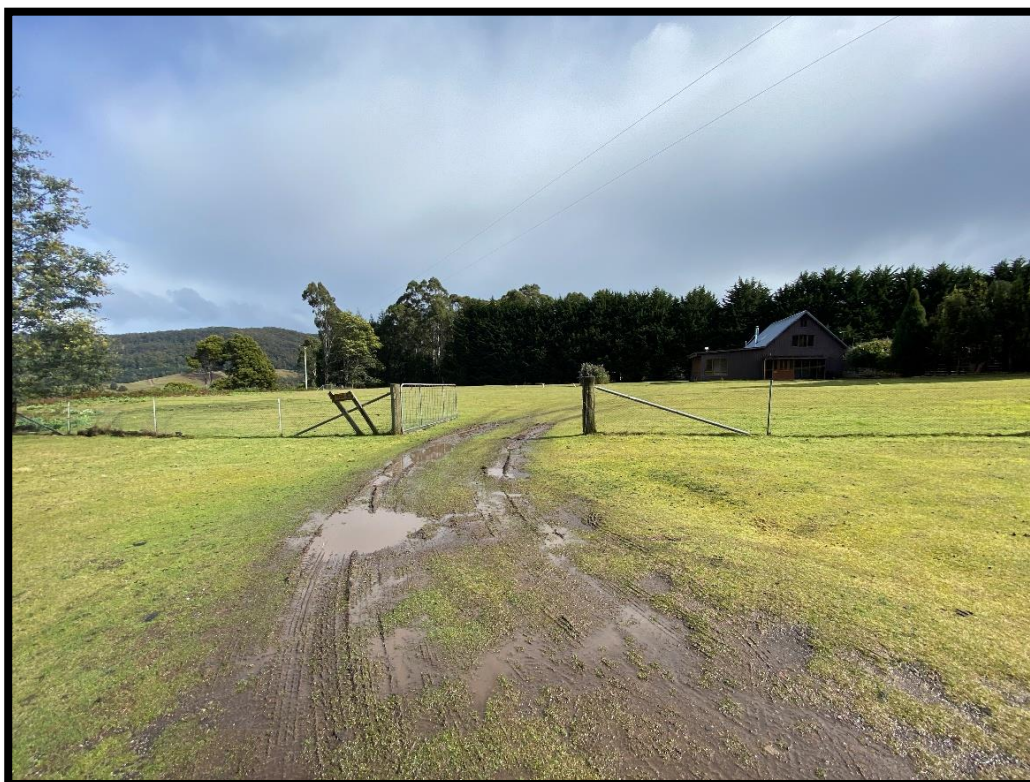


**Existing approved use – Food Services – ‘Pancake Barn’.**





**Crown land access to property.**



**Proposed access to development area off crown land road reserve. Note existing approved visitor accommodation structure in background.**





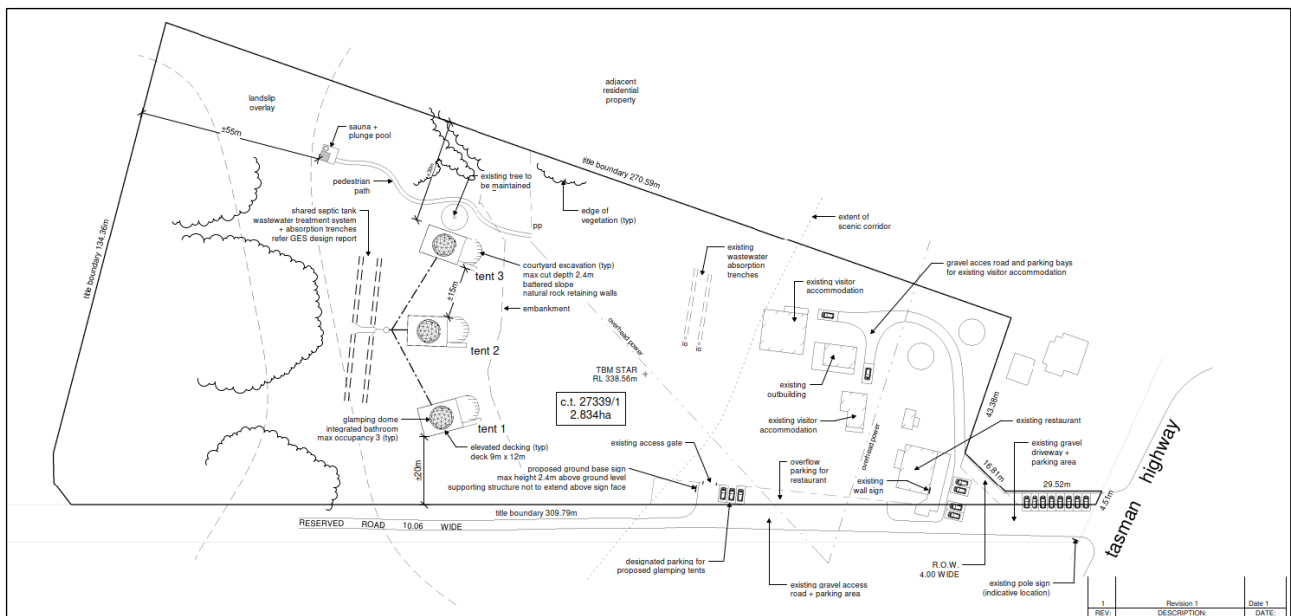
**Proposed development area.**

#### BACKGROUND

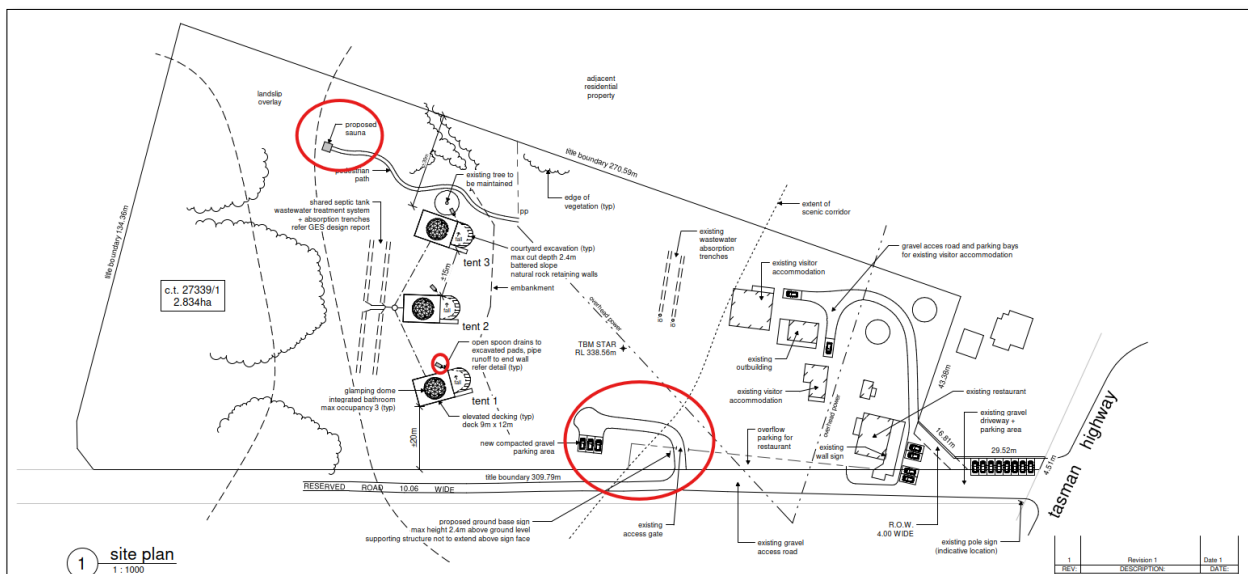
The application was lodged with Council on 24/04/2025 with the application becoming valid on 19 June 2025 after received Crown Consent to Lodge from Property Services on 18/06/2025.

The application was advertised from Saturday 28 June 2025 until Friday 11 July 2025 after which two (2) representations were received. The applicant was invited to respond to the representations as consequently the applicant decided to:

- Make a minor alteration to the location of the car parking to provide greater separation from the side boundary;
- Abandon the inclusion of a plunge pool (Visitor Accommodation use and development) in the proposed use and development;
- Include stormwater infrastructure for each glamping structure noting this will be subject to technical assessment at the building approval stage.



**Advertised Site Plan**



**Amended Site Plan**

At this point, staff were required to consider whether the amended plans constituted a new application or whether the planning authority could grant a permit subject to a condition requiring compliance with the amended plans. Council should note that the LUPA Act makes no provision for the re-advertising of amended plans. This is confirmed in the deliberations of the Supreme Court of Tasmania decision – *Tomaszewski v Hobart City Council [2020] TASSC 48*, which in relation to the LUPA Act state:

*'...Counsel for the Council informed me that there is a common practice whereby councils repeat the statutory notification process if an applicant changes a development application after the statutory notices have been given. He also acknowledged that the fact that that practice is long-standing and efficacious does not make it lawful...'*

It goes on to say:

*'...If, after the modification of a development proposal in a particular case, there was reason to think that members of the public might wish to make further representations relating to the modified proposal, or that the planning authority might benefit from additional representations, that might be a powerful indication that the revised proposal was one for a substantially different development, rather than a modification of the development originally proposed...'*

The Court recognises that the LUPA Act provides for further consideration which may result in minor changes to the proposal and provides for the planning authority to give effect to a change by imposing a permit condition that varies the original development proposal.

In this context, staff are of the opinion that the amended plans do not constitute a new application because the amended plans do not transform the original proposal into something substantially different.

#### COUNCIL DECISION:

**09/25.8.1.572**      Moved: Clr B LeFevre/ Seconded: Clr V Oldham

- D. After due consideration of the application received and pursuant to Section 57 of *the Land Use Planning & Approvals Act 1993* and the *Tasmanian Planning Scheme – Break O’Day*, that the application for Visitor Accommodation - Glamping Domes x 3, Sauna and Plunge Pool on land situated at 824 Elephant Pass Road, Gray described in Certificate of Title be APPROVED subject to the following plans / documents and conditions:

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Cover Page	-	Jennifer Binns Design	-
Site Plan	A04	Jennifer Binns Design	18/07/2025
Typical Deck Layout	A05	Jennifer Binns Design	18/07/2025
Tent 1 Elevation	A06	Jennifer Binns Design	18/07/2025
Tent 2 Elevation	A07	Jennifer Binns Design	18/07/2025
Tent 3 Elevation	A08	Jennifer Binns Design	18/07/2025
Visuals	A09	Jennifer Binns Design	18/07/2025
Proposed Sauna	A10	Jennifer Binns Design	18/07/2025

#### CONDITIONS

CONDITION		TIMING
<b>14. APPROVED PLANS</b>		
<b>A</b>	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.

CONDITION		TIMING
B	The approved plans dated 18/07/2025 do not include a 'Plunge Pool'	Prior to commencement of use and to be maintained at all times.
<b>15. ON-SITE STORMWATER MANAGEMENT</b>		
A	All run-off must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance.	Prior to the commencement of use and maintained at all times.
B	Soakage drains must be of sufficient size to absorb stormwater runoff and are subject to a technical assessment at the building permit authority stage.	To be maintained at all times.
C	Works on the site must not result in a concentration of flow onto other property, or cause ponding or other storm water nuisance.	During site works and to be maintained at all times.
<b>16. COMMERCIAL CAR PARKING</b>		
	<p>The areas shown to be set aside for vehicle access and carparking internal of the lot, and access from the crown land road reserve must be:</p> <ul style="list-style-type: none"> <li>h) completed before the use of the development;</li> <li>i) have an internal access width not less than 3m;</li> <li>j) comply with Australian Standard AS2890. 1:2004 Parking facilities, Part 1: Off-street car parking;</li> <li>k) 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;</li> <li>l) Surfaced with a dust free surface that restricts abrasion from traffic and minimises entry of water to the pavement;</li> <li>m) Marked by such means to indicate each space to the satisfaction of the Council.</li> <li>n) Drained in a manner that will not cause stormwater nuisance and ensures stormwater runoff is disposed of within the confines of the property.</li> </ul>	Prior to the commencement of use and maintained at all times.
<b>17. SIGNAGE</b>		
A	<p>Signs must be:</p> <ul style="list-style-type: none"> <li>f) professionally designed and legible;</li> <li>g) structurally sound and not in any way hazardous;</li> <li>h) located entirely within the boundaries of lot C.T. 27339/1;</li> <li>i) situated so as not to obstruct traffic; and</li> <li>j) designed in colours and principles not currently incorporated into statutory or</li> </ul>	Prior to the commencement of use and maintained at all times.

CONDITION		TIMING
	directional signs erected by public authorities.	
<b>18.</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>19.</b>	<b>NUISANCE</b>	
A	Use of the development must not create a nuisance as defined by the Environmental Management and Pollution Control Act 1994.	At all times.
<b>20.</b>	<b>BUILDING WASTES</b>	
A	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.	During site works and to be maintained at all times.
<b>21.</b>	<b>SOIL AND WATER MANAGEMENT</b>	
A	All works associated with the development must be conducted in accordance with an Erosion and Sediment Control Plan that satisfies the document <i>Erosion and Sediment Control – the fundamentals for development in Tasmania</i> (July 2023 or as amended).	During site works.
B	All worked areas not covered by structures must be promptly and progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.	During site works and to be maintained at all times.
C	All exposed surfaces resulting from the cut associated with excavation of the courtyard(s), including stockpiled material, must be promptly and progressively stabilised so they will not erode and/or act as a source of sediment transfer.	During site works and to be maintained at all times.
<b>22.</b>	<b>ACCESS LICENCE</b>	
A	An access licence must be gained from Property Services Tasmania for the private use of Crown Road Reserve adjoining the development site and a copy to be supplied to Council with consent for the construction and surfacing works.	Prior to use and to be maintained at all times.
<b>23.</b>	<b>Exterior building lighting</b>	
A	Any necessary exterior building lighting must be located under eaves and limited to that essential to allow the safe and secure movement of pedestrians/guests at night.	Prior to commencement of use and to be maintained at all times
<b>24.</b>	<b>External Lighting</b>	
A	Install external lighting in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to commencement of use and to be maintained at all times.



CONDITION		TIMING
B	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting).	Prior to commencement of use.
<b>25. External Colours and Finishes</b>		
A	Reflective materials must not be used as visible external elements in the proposed development.	Prior to the commencement of use and to be maintained at all times.
<b>26. Visitor Accommodation Management Plan</b>		
A	A management plan for the operation of the visitor accommodation must be submitted and approved as a compliance of this condition, to the satisfaction of Council's General Manager of delegate and is to include the operation of existing visitor accommodation on the site.	Prior to commencement of use.
B	<p>The management plan must include, but is not limited to, the following measures:</p> <ul style="list-style-type: none"> <li>g) To limit, manage and mitigate noise generated as a result of the visitor accommodation;</li> <li>h) To limit, manage, and mitigate behaviour issues caused as a result of the visitor accommodation;</li> <li>i) To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities;</li> <li>j) To specify the maximum permitted occupancy of the visitor accommodation;</li> <li>k) To specify that if guests utilize the site for the parking of vehicles they must be parked on the site in the approved carparking area and detail where the designated parking space is located and how the space is to be accessed;</li> <li>l) To provide the name and contact phone number of a person who will respond to any complaints regarding behaviour of guests. If the property is to be sold, the Visitor Accommodation Management Plan must be updated with new contact details.</li> </ul>	Prior to commencement of use and to be maintained at all times.
C	Once approved, the management plan must be implemented and must be maintained.	At all times.
D	Once approved, the Visitor Accommodation Management Plan must be provided to adjoining property owners and occupiers.	Prior to the commencement of use and to be maintained at all times.

## ADVICE

5. All works associated with the development should be conducted in accordance with *Guidelines for Soil and Water Management*, Hobart City Council, available on Council's website (<http://www.bodc.tas.gov.au/webdata/resources/files/GuidelinesforSoilandWaterManagement.pdf>). All worked areas not covered by structures must be promptly and progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.
  6. 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.
  7. 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
  8. Be advised that in accordance with the *Building Act 2016* assessment for building approval cannot commence until such time as Council is provided with full Building Design Plans and Specifications prepared by a Tasmanian Licenced designer.
- E. 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)	Yes	Property Services

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

Development Permit Information	Details
<i>Development Description</i>	Visitor Accommodation - Glamping Domes x 3, Sauna and Plunge Pool
<i>Relevant Period of Approval</i>	2 Years
<i>Other Necessary Permits</i>	NIL
<i>Attachments</i>	
<i>Representations</i>	Two

Mayor Tucker advised Council that he was deferring consideration of this item pending the Planning Officer obtaining clarification regarding consideration of the development application at a subsequent Council meeting.

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

## **09/25.9.0 COUNCIL MEETING ACTIONS**

### **09/25.9.1 Outstanding Matters**

Councillors asked the following questions:

- Clr K. Wright – The Online Access Centre, has any further information been provided?
- Clr K. Chapple – The BreastScreen Bus, has Council received a response from the Minister?

## **09/25.10.0 PETITIONS**

Nil

## **09/25.11.0 NOTICES OF MOTION**

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

Mayor Tucker vacated the Chair at 10:48am, with Deputy Mayor Chapple assuming the Chair.

### **09/25.11.1 Installing Pedestrian Crossings in St Helens – Mayor Tucker**

#### **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 investigate, with the appropriate authorities, the feasibility of installing two additional pedestrian crossings in the main centre of St Helens on Cecilia Street — one located near the Post Office and one near the Bakery.

#### **SUBMISSION IN SUPPORT OF MOTION:**

We have an elderly population and a lot of our residents use walking frames etc and crossing the road in our busy times and the amount of traffic on the roads can be quite harrowing for them, I believe we need more crossings to help our residents cross the road for their safety.

## COUNCIL DECISION:

**09/25.11.1.573**

Moved: Mayor M Tucker/ Seconded: Cllr B LeFevre

*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 investigate, with the appropriate authorities, the feasibility of installing two additional pedestrian crossings in the main centre of St Helens on Cecilia Street — one located near the Post Office and one near the Bakery.

### CARRIED UNANIMOUSLY

Deputy Mayor Chapple vacated the Chair at 10:52am and Mayor Tucker resumed the Chair.

**09/25.12.0**

## MAYOR'S & COUNCILLOR'S COMMUNICATIONS

**09/25.12.1**

### Mayor's Communications for Period Ending 15 September 2025

01.09.2025	<b>St Helens</b>	– Council Workshop.
03.09.2025	<b>St Helens</b>	– Meeting with Rachel Williams, owner and editor of the North-Eastern Advertiser, to discuss opportunities, events, and projects in Break O'Day.
04.09.2025	<b>St Helens</b>	– Meeting with the General Manager and new Labor Leader, Josh Willie, for introductions and to discuss Break O'Day priorities and projects.
10.09.2025	<b>MS Teams</b>	– Meeting with LGAT CEO Dion Lester and GMC Vice President, Mayor Paula Wriedt.
11.09.2025	<b>Canberra</b>	– Australian Local Government Association (ALGA) meeting.
15.09.2025	<b>St Helens</b>	– Council Meeting.

**09/25.12.2**

### Councillor's Reports for Period Ending 15 September 2025

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

- Break O'Day Chamber of Commerce and Tourism – Deputy Mayor Kristi Chapple

The AGM was held and all positions were filled.

- NRM Special Committee – Cllr Vaughan Oldham

The meeting scheduled was deferred to November.

- East Coast Tasmania Tourism (ECTT) – Cllr Barry LeFevre

The most recent ECTT meeting was held at Panorama on 20<sup>th</sup> August. Points of interest include;

1. Parks opened tenders for St. Columba works on September 1<sup>st</sup> with the closing date being 18<sup>th</sup> September. The Evaluation Panel will then choose the preferred tender and work will commence.
2. Lisa Punshon (Deputy Chair) has resigned from ECTT due to work uncertainty. It was resolved to re-look at the recent Board member applicants and possibly select new board members.
3. Claudia Butler who is facilitating the Triabunna Tomorrow project presented her findings thus far and progress. It is a difficult project but Claudia appears to be bringing the relevant groups together and progressing the project really well.
4. John Brown and Leah Page presented to the meeting regarding the Regional Uni. Study Hub. This is an exciting project with big ambitions and should be totally supported. It offers diversity and equity for a remote regional area.
5. Damian Mather (Acting CEO) finishes on September 22. Damian has done a wonderful job and some describe him as “user friendly”. Grace Keath resumes her CEO role as Damian leaves.
6. The Positive Impact plan is well on track and we had a steering committee mtg. on 4<sup>th</sup> September.
7. The Famils Experience was once again well attended, in fact being oversubscribed.

- Mental Health Action Group – Cllr Barry LeFevre

Nil.

- Access and Inclusion Advisory Committee – Cllr Kylie Wright

A meeting was held on 19 August. The Action Plan was discussed, this will be taken to the next meeting for changes. The Carers Group provided a report, they need to increase the participants in the Carers Group. They are going to distribute flyers and assistance is to be provided by Jenna in Community Services, for designing the flyers. They are going to approach organisations to present at the meetings, such as May Shaw and Aged Care. It was raised that an elderly gentleman applied for a disabled parking permit, but he was advised that he would need to surrender his licence to obtain this, this is to be looked into. The Committee have approached the Eating With Friends Group at the St Helens Neighbourhood house, to work together to hold a cultural eating experience. There was a request for Council Welcome Packs to be advertised in the Council Newsletter to make people aware that they are available, as non-ratepayers may not know they are available. The next meeting is scheduled to be held on 7 October.

- Bay of Fires Master Plan Steering Committee – Cllr Ian Carter

Nil.

## 09/25.13.0 BUSINESS AND CORPORATE SERVICES

### 09/25.13.1 Corporate Services Department Report

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

#### 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:

**09/25.13.1.574** Moved: Clr V Oldham/ Seconded: Clr K Wright

That the report be received.

#### CARRIED UNANIMOUSLY

### 09/25.13.2 Monthly Financial Report

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

#### OFFICER'S RECOMMENDATION:

That the following reports for the month ending 31 August 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:

**09/25.13.2.575**

Moved: Clr K Wright/ Seconded: Clr B LeFevre

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

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

**CARRIED UNANIMOUSLY**

**09/25.13.3**

#### 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 on the activities and services the delivered by the Visitor Information Centre since the previous Council Meeting.

#### COUNCIL DECISION:

**09/25.13.3.576**

Moved: Clr B LeFevre/ Seconded: Clr K Chapple

That the report be received.

Break for morning tea 11:10am, resumed 11:17am

**CARRIED UNANIMOUSLY**

FILE REFERENCE	002\024\007\
----------------	--------------

**OFFICER'S RECOMMENDATION:**

That Policy LG07 Code for Tenders and Contracts amendments be adopted.

**INTRODUCTION:**

Break O'Day Council's procurement procedures were audited by the Local Government Association of Tasmania (LGAT) and it was identified that Council's policy was overdue for review. LGAT have prepared a Model Code of Tenders and Contracts which has been incorporated with Council's current policy to create a Draft LG07 Code for Tenders and Contracts Policy to ensure it aligns with the *Local Government Act 1993* and Local Government (General) Regulations 2025.

**COUNCIL DECISION:**

**09/25.13.4.577** Moved: Clr B LeFevre/ Seconded: Clr K Wright

That Policy LG07 Code for Tenders and Contracts amendments be adopted.

**CARRIED UNANIMOUSLY**

FILE REFERENCE	002\024\001\
----------------	--------------

**OFFICER'S RECOMMENDATION:**

That LG11 Rating and Exemptions Policy amendments be adopted.

**INTRODUCTION:**

Council has a schedule for regular review of Policies. This Policy is now overdue for review being five (5) years since the previous review.

**COUNCIL DECISION:**

**09/25.13.5.578** Moved: Clr K Chapple/ Seconded: Clr K Wright

That LG11 Rating and Exemptions Policy amendments be adopted.

**CARRIED UNANIMOUSLY**



FILE REFERENCE	6413332 25/17874
----------------	------------------

**OFFICER'S RECOMMENDATION:**

In accordance with the provisions of s.129 of the *Local Government Act 1993*, Council **approve a General Rate remission of \$827.94**, as requested for the property known as 14 Mangana Road, Fingal identified as PID 6413332.

**INTRODUCTION:**

Council has received correspondence from Malahide Golf Club requesting a remission for the general rate for the 2025/2026 financial year. Due to the nature of the charge, a request is required annually to remit this charge.

**COUNCIL DECISION:****09/25.13.6.579**Moved: Clr K Wright/ Seconded: Clr B LeFevre

In accordance with the provisions of s.129 of the *Local Government Act 1993*, Council **approve a General Rate remission of \$827.94**, as requested for the property known as 14 Mangana Road, Fingal identified as PID 6413332.

**CARRIED UNANIMOUSLY****09/25.14.0 WORKS AND INFRASTRUCTURE****09/25.14.1 Works and Infrastructure Report**

FILE REFERENCE	014\002\001\
----------------	--------------

**OFFICER'S RECOMMENDATION:**

That the report be received by Council.

**INTRODUCTION:**

This report summarises the activities related to Works Operations and Capital Projects for August 2025 and includes additional details about scheduled work planned for the upcoming month.

**COUNCIL DECISION:****09/25.14.1.580**Moved: Clr V Oldham/ Seconded: Clr K Chapple

That the report be received by Council.

**CARRIED UNANIMOUSLY**

## 09/25.14.2 Animal Control Report

FILE REFERENCE	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.

### COUNCIL DECISION:

**09/25.14.2.581** Moved: Clr B LeFevre/ Seconded: Clr V Oldham

That the report be received by Council.

**CARRIED UNANIMOUSLY**

## 09/25.15.0 COMMUNITY DEVELOPMENT

### 09/25.15.1 Community Services Report

FILE REFERENCE	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 activities which are being dealt with by the Community Services Department.

### COUNCIL DECISION:

**09/25.15.1.582** Moved: Clr K Chapple/ Seconded: Clr K Wright

That the report be received by Council.

**CARRIED UNANIMOUSLY**

FILE REFERENCE	004\011\005\
----------------	--------------

**OFFICER'S RECOMMENDATION:**

1. That Council supports the Binalong Bay Ratepayers and Tennis Club Association by covering the cost of a replacement battery for the publicly accessible defibrillator installed at the Binalong Bay Main Beach toilet block.
2. That Council accepts full responsibility for the ongoing management and maintenance of all Automated External Defibrillators (AEDs) located on council owned or leasehold land including future costs associated with battery and electrode (pad) replacements.

**INTRODUCTION:**

Council has received a request from the Binalong Bay Ratepayers and Tennis Club Association seeking financial support to cover the cost of a replacement battery for the defibrillator installed on the public toilet block at Main Beach, Binalong Bay. This Defibrillator was originally purchased by the Binalong Bay and Tennis Club Association through raising funds.

**COUNCIL DECISION:****09/25.15.2.583**Moved: Clr K Wright/ Seconded: Clr B LeFevre

1. That Council supports the Binalong Bay Ratepayers and Tennis Club Association by covering the cost of a replacement battery for the publicly accessible defibrillator installed at the Binalong Bay Main Beach toilet block.
2. That Council accepts full responsibility for the ongoing management and maintenance of all Automated External Defibrillators (AEDs) located on council owned or leasehold land including future costs associated with battery and electrode (pad) replacements.

**CARRIED UNANIMOUSLY**

09/25.15.3

**Sponsorship request – Sea & Salt- Rock & Light – Forest & Quiet – Sky & Weather Exhibition at The Panorama Hotel**

FILE REFERENCE	018\019\001\
----------------	--------------

**OFFICER'S RECOMMENDATION:**

That Council supports this event by providing \$4,000 sponsorship funding towards the delivery of the year long exhibition at The Panorama Hotel, with a possibility of the event being extended into a second year.

**INTRODUCTION:**

Council has received a request for sponsorship support from Panorama Hotel to host Tasmanian photographers Darran and Frazer Leal to present a year-long photographic exhibition to open in October 2025. The event promises to showcase the unique beauty of our region and beyond while strengthening the cultural and social fabric of St Helens.

**COUNCIL DECISION:**

09/25.15.3.584

Moved: Clr B LeFevre/ Seconded: Clr K Wright

That Council supports this event by providing \$4,000 sponsorship funding towards the delivery of the year long exhibition at The Panorama Hotel, with a possibility of the event being extended into a second year.

**CARRIED UNANIMOUSLY**

09/25.16.0

**DEVELOPMENT SERVICES**

*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.*

09/25.8.1

**DA 053-2025 - 824 Elephant Pass Road, Gray - Visitor Accommodation Glamping Domes x 3, Sauna and Plunge Pool (Cont.)**

FILE REFERENCE	DA 2025 / 00053
----------------	-----------------

**COUNCIL DECISION:**

**A Procedural Motion was moved:**

09/25.8.1.572

Moved: Clr K Wright/ Seconded: Clr B LeFevre

That Council defer the item to the October Council Meeting.

**CARRIED UNANIMOUSLY**

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

## 09/25.16.1 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 activities which have been dealt with by the Development Services Department since the previous Council meeting.

### COUNCIL DECISION:

**09/25.16.1.585** Moved: Clr B LeFevre/ Seconded: Clr V Oldham

That the report be received.

### CARRIED UNANIMOUSLY

## 09/25.16.2 Establishment of the St Marys Exhibition Building Liaison Committee

FILE REFERENCE	004\005\007\
----------------	--------------

### OFFICER'S RECOMMENDATION:

That Council:

1. Endorses the establishment of the St Marys Exhibition Building Liaison Committee to support the planning and redevelopment of the building in line with Council's staged approach;
2. Approves the attached Terms of Reference contained within the report;
3. Authorises the General Manager to call for Expressions of Interest (EOI) for up to four (One Assistant Project Manager and Up to 3 Community Members) community members to join the Committee in accordance with the approved Terms of Reference;
4. Notes that the Committee will operate from Octboer 2025 through to the finalisation of Stage 3 deliverables (unless otherwise extended) then be disbanded.

## INTRODUCTION:

Council has allocated \$100,000 in the 2025/26 financial year to undertake immediate remediation works and develop a project brief for the future of the St Marys Exhibition Building.

The most recent Council decision is provided below, and this report has been provided subsequent to Clr Johnstone notice of motion for a report to establish a liaison committee to progress the project.

Recent community submissions, including a low-cost structural solution proposal, have highlighted the need for collaborative community and technical engagement in progressing this project.

## COUNCIL DECISION:

**09/25.16.2.586**

Moved: Clr K Wright/ Seconded: Clr K Chapple

That Council:

1. Endorses the establishment of the St Marys Exhibition Building Liaison Committee to support the planning and redevelopment of the building in line with Council's staged approach;
2. Approves the attached Terms of Reference contained within the report;
3. Authorises the General Manager to call for Expressions of Interest (EOI) for up to four (One Assistant Project Manager and Up to 3 Community Members) community members to join the Committee in accordance with the approved Terms of Reference;
4. Notes that the Committee will operate from October 2025 through to the finalisation of Stage 3 deliverables (unless otherwise extended) then be disbanded.

**CARRIED UNANIMOUSLY**

**09/25.16.3**

**Interim Report on Coastal and Flood Hazards - Scamander Coastal Hazards Risk Mitigation and Pathways Project**

FILE REFERENCE	017\023\001\
----------------	--------------

## OFFICER'S RECOMMENDATION:

Council receives the interim report from the Scamander Coastal Hazards Risk Mitigation and Pathways Project: *Outlook report - Scamander Coastal Hazards & Flood Risks – final*.

## INTRODUCTION:

The Scamander Coastal Hazards Risk Mitigation and Pathways Planning Project has progressed with community and stakeholder engagement to an interim reporting stage.

## COUNCIL DECISION:

09/25.16.3.587

Moved: Clr B LeFevre/ Seconded: Clr K Wright

Council receives the interim report from the Scamander Coastal Hazards Risk Mitigation and Pathways Project: *Outlook report - Scamander Coastal Hazards & Flood Risks – final*.

**CARRIED UNANIMOUSLY**

## 09/25.17.0 GOVERNANCE

### 09/25.17.1 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:

09/25.17.1.587

Moved: Clr V Oldham/ Seconded: Clr K Chapple

That the General Manager's report be received.

**CARRIED UNANIMOUSLY**

## 09/25.17.2 2024-2025 Annual Plan Quarterly Review

FILE REFERENCE	002\036\002\
----------------	--------------

## OFFICER'S RECOMMENDATION:

That Council receive the Review as at 30 June 2025 of the 2024-2025 Break O'Day Council Annual Plan.

## INTRODUCTION:

Council's management team prepared the 2024 – 2025 Annual Plan based on discussions, which occurred through Council workshops and the normal budget/planning process. The Annual Plan was prepared to take into account broader factors which are impacting Council; and reflecting continuity of existing projects, and activities where this exists.

**COUNCIL DECISION:****09/25.17.2.588**Moved: Clr B LeFevre/ Seconded: Clr K Wright

That Council receive the Review as at 30 June 2025 of the 2024-2025 Break O'Day Council Annual Plan.

**CARRIED UNANIMOUSLY****09/25.17.3****Northern Tasmania Development Corporation Ltd (NTDC) – Receipt of Quarterly Report April-June 2025**

<b>FILE REFERENCE</b>	039\011\003\
-----------------------	--------------

**OFFICER'S RECOMMENDATION:**

That Council receive the quarterly report of the Northern Tasmania Development Corporation (NTDC) for the period April-June 2025.

**INTRODUCTION:**

The Northern Tasmania Development Corporation (NTDC) has been formed as an enterprise under the Local Government Act. Accordingly, NTDC provides quarterly reports to its shareholders including Break O'Day Council.

**COUNCIL DECISION:****09/25.17.3.589**Moved: Clr V Oldham/ Seconded: Clr K Chapple

That Council receive the quarterly report of the Northern Tasmania Development Corporation (NTDC) for the period April-June 2025.

**CARRIED UNANIMOUSLY****09/25.17.4****Draft Policy – Dispute Resolution Policy**

<b>FILE REFERENCE</b>	002\024\007\
-----------------------	--------------

**OFFICER'S RECOMMENDATION:**

That the draft Dispute Resolution Policy be adopted.

**INTRODUCTION:**

Council is required under the *Local Government Act (1993)* to establish a Dispute Resolution Policy



**COUNCIL DECISION:****09/25.17.4.590**Moved: Clr B LeFevre/ Seconded: Clr K Wright

That the draft Dispute Resolution Policy be adopted.

**CARRIED UNANIMOUSLY****09/25.17.5****Request to proceed with EOI process on The Titley Shack**

<b>FILE REFERENCE</b>	004\011\005\
-----------------------	--------------

**OFFICER'S RECOMMENDATION:**

That Council notes the decision to proceed with an Expressions of Interest (EOI) process for the future lease and operation of The Titley Shack, located at 223 Dora Point Road, Binalong Bay.

**INTRODUCTION:**

Council has received confirmation that the current tenant, Mand Investments Pty Ltd, has vacated the premises known as The Titley Shack.

The property has historically been used as the booking office for Bay of Fires Eco Tours and falls within the Planning Use Class *Pleasure Boat Facility*. Under Development Approval (DA 029-2015), the principal use rights are limited to activities within this Use Class. The sale of tea, coffee, cakes, muffins and similar items is permitted only in association with the principal use and to pleasure boat customers.

Any alternative or expanded use of the site would need to comply with the Tasmanian Planning Scheme.

**COUNCIL DECISION:****09/25.17.5.591**Moved: Clr B LeFevre/ Seconded: Clr K Wright

That Council notes the decision to proceed with an Expressions of Interest (EOI) process for the future lease and operation of The Titley Shack, located at 223 Dora Point Road, Binalong Bay.

**CARRIED UNANIMOUSLY**

FILE REFERENCE	004\001\001\
----------------	--------------

**OFFICER'S RECOMMENDATION:**

That Council:

1. Rescind Council's resolution of 16 June 2025 (Minute No. 06/25.17.6.630) which stated:

*That Council resolve pursuant to Section 178 of the Local Government Act 1993 ("the Act") that Council by absolute majority commence proceedings to remove the land on which the St Helens Aerodrome is located contained within Certificate of Titles (112855/1, 18671/2, 214209/1, 223471/1, 148076/1 and 45005/2) from the Public Land list maintained pursuant to the Act and*

1. *Authorise the General Manager to publish the intention to remove the Aerodrome from the Public Land list and display a copy of the notice on any boundary of the public land that abuts a highway and notify the public that objection to the proposed removal from the register may be made to the General Manager within 21 days of the date of the first publication.*
  2. *Authorise the General Manager to consider and acknowledge any objection received pursuant to Section 178(6) of the Act and report to a future Council meeting.*
  3. *If the General Manager does not receive any objection under Section 178 subsection (4) and an appeal is not made under Section 178A, the General Manager will amend the Public Land list to remove the land contained within Certificate of Titles (112855/1, 18671/2, 214209/1, 223471/1, 148076/1 and 45005/2).*
2. Confirm that the St Helens Aerodrome is not public land in accordance with section 177A of the *Local Government Act 1993*.
  3. Authorise the General Manager to write to all objectors who lodged submissions under section 178(4) of the *Local Government Act 1993* in relation to the June 2025 resolution, advising them:
    - that the Aerodrome is not classified as public land;
    - that Council is not proceeding under section 178 of the Act; and
    - providing a copy of this report for background and transparency.

**INTRODUCTION:**

At its June 2025 meeting, Council resolved to commence proceedings under section 178 of the *Local Government Act 1993* to remove the St Helens Aerodrome from the Public Land Register. Following public notification, eight (8) objections were received.

Subsequently, legal advice has confirmed that the Aerodrome is not public land under section 177A of the Act. Accordingly, the June resolution was incorrect and must be rescinded in accordance with Regulation 22 of the *Local Government (Meeting Procedures) Regulations 2025*.

## COUNCIL DECISION:

09/25.17.6.592

Moved: Clr K Wright/ Seconded: Clr B LeFevre

That Council:

1. Rescind Council's resolution of 16 June 2025 (Minute No. 06/25.17.6.630) which stated:

*That Council resolve pursuant to Section 178 of the Local Government Act 1993 ("the Act") that Council by absolute majority commence proceedings to remove the land on which the St Helens Aerodrome is located contained within Certificate of Titles (112855/1, 18671/2, 214209/1, 223471/1, 148076/1 and 45005/2) from the Public Land list maintained pursuant to the Act and*

1. *Authorise the General Manager to publish the intention to remove the Aerodrome from the Public Land list and display a copy of the notice on any boundary of the public land that abuts a highway and notify the public that objection to the proposed removal from the register may be made to the General Manager within 21 days of the date of the first publication.*
  2. *Authorise the General Manager to consider and acknowledge any objection received pursuant to Section 178(6) of the Act and report to a future Council meeting.*
  3. *If the General Manager does not receive any objection under Section 178 subsection (4) and an appeal is not made under Section 178A, the General Manager will amend the Public Land list to remove the land contained within Certificate of Titles (112855/1, 18671/2, 214209/1, 223471/1, 148076/1 and 45005/2).*
2. Confirm that the St Helens Aerodrome is not public land in accordance with section 177A of the *Local Government Act 1993*.
3. Authorise the General Manager to write to all objectors who lodged submissions under section 178(4) of the *Local Government Act 1993* in relation to the June 2025 resolution, advising them:
  - that the Aerodrome is not classified as public land;
  - that Council is not proceeding under section 178 of the Act; and
  - providing a copy of this report for background and transparency.

**CARRIED UNANIMOUSLY**

FILE REFERENCE	004\011\005\
----------------	--------------

**OFFICER'S RECOMMENDATION:**

1. That Council notes the report and review undertaken of the Public Land Register.
2. That pursuant to Section 177A(1)(f) of the *Local Government Act 1993*, the Council determines the following property to be public land:

Property Number	Full Street Address	Suburb	Property Name	Title Particulars	Land Area (ha)	Land Classification	Classification under S177A of the LGA 1993
2153385	Main Street	St Marys	Information Hut	129103/1	0.0134	P1 - Government / Local Government	f

3. That Council endorses the Public Land Register as attached to this report.

**INTRODUCTION:**

Council has recently reviewed the Public Land Register ('Register') and noted that the version available to the public on Council's website is incorrect and includes a number of properties which are not public land pursuant to section 177A of the *Local Government Act 1993* (Tas) and which should not have been on the Register.

**COUNCIL DECISION:****09/25.17.7.593**Moved: Clr K Chapple/ Seconded: Clr V Oldham

1. That Council notes the report and review undertaken of the Public Land Register.
2. That pursuant to Section 177A(1)(f) of the *Local Government Act 1993*, the Council determines the following property to be public land:

Property Number	Full Street Address	Suburb	Property Name	Title Particulars	Land Area (ha)	Land Classification	Classification under S177A of the LGA 1993
2153385	Main Street	St Marys	Information Hut	129103/1	0.0134	P1 - Government / Local Government	f

3. That Council endorses the Public Land Register as attached to this report.

**CARRIED UNANIMOUSLY**

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

# IN CONFIDENCE

## 09/25.18.0 CLOSED COUNCIL

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

## 09/25.18.1 Confirmation of Closed Council Minutes – Council Meeting 18 August 2025

### COUNCIL DECISION:

09/25.18.1.CC Moved: Clr K Wright/ Seconded: Clr V Oldham

That the minutes of the Closed Council Meeting held on 18 August 2025 be confirmed.

**CARRIED UNANIMOUSLY**

## 09/25.18.2 Outstanding Actions List for Closed Council

## 09/25.18.3 Closed Council Item Pursuant to Section 17(2)E of the Local Government (Meeting Procedures) Regulations 2025 – 2025/2026 Bituminous Surfacing Program

### DECISION TO APPEAR IN OPEN COUNCIL:

09/25.18.3.CC Moved: Clr K Wright/ Seconded: Clr V Oldham

That Council award Contract 030\001\154 "2025/2026 Bituminous Surfacing Program" to Crossroads Civil Contracting Pty Ltd

**CARRIED UNANIMOUSLY**

**09/25.18.4**                      **Closed Council Item Pursuant to Section 17(2)H of the Local Government (Meeting Procedures) Regulations 2025 - Request to Waiver Interest and Penalty – Esk Main Road, St Marys**

**DECISION TO APPEAR IN OPEN COUNCIL:**

**09/25.18.4.CC**                      Moved: Clr B LeFevre/ Seconded: Clr K Chapple

In accordance with the provisions of s.129 of the *Local Government Act 1993*, and Council policy LG11 Rating Exemptions and Remissions Policy part 8, That Council approve a remission for penalty and interest applied to rates and charges for the years 2023/2024, 2024/2025 and 2025/2026 totalling \$214.61.

**CARRIED UNANIMOUSLY**

**07/25.18.5**                      **Closed Council Item Pursuant to Section 17(2)D of the Local Government (Meeting Procedures) Regulations 2025 -Lease - St Helens Aerodrome**

**DECISION TO APPEAR IN OPEN COUNCIL:**

**09/25.18.5.CC**                      Moved: Clr K Chapple/ Seconded: Clr V Oldham

That Council:

1. Approves in principle the lease of a defined area of land at the St Helens Aerodrome to David French as Trustee for the French Family Trust (trading as Plane Works), on the terms outlined in this report;
2. Delegates authority to the General Manager to finalise and execute the lease.

**CARRIED UNANIMOUSLY**

**09/25.18.6**                      **Closed Council Item Pursuant to Section 17(2)E of the Local Government (Meeting Procedures) Regulations 2025 TOMRA/Recycle Rewards Container Deposit Location**

**DECISION TO APPEAR IN OPEN COUNCIL:**

**09/25.18.6.CC**                      Moved: Clr B LeFevre/ Seconded: Clr K Chapple

That the Break O'Day Council agrees to lease to TOMRA land at the St Helens Sports Complex for the siting of an S2 Recycle Rewards Reverse Vending Machine and associated infrastructure subject to the following:

1. Finalisation of a site which Council officers believe to be the most suitable having regard to the impact on existing uses and users of the Sports Complex;
2. Necessary approvals being obtained, including Development and Building Approvals if applicable, for the facility along with directional signage to guide users to the site;
3. That the General Manager be authorised to finalise and execute any documents associated with the establishment of the Lease as outlined in dot point 4 of the preceding recommendation.
4. That Council officers investigate the feasibility of Council's Works Department providing the required day-to-day operational services to support the effective operation of the site.

**CARRIED UNANIMOUSLY**

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

**09/25.19.0**                      **MEETING CLOSED**

Mayor Tucker thanks everyone for their attendance and declared the meeting closed at 12:28pm.

.....  
**MAYOR**

.....  
**DATE**