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PLANNING SCHEME AMENDMENT AND 6 LOT SUBDIVISION
2015 & 2187 BRUNY ISLAND MAIN RD, GREAT BAY
S43A SUBMISSION

HOBART - KINGSTON - HUONVILLE - LAUNCESTON - DELORAINÉ - BURNIE - DEVONPORT

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Document Status

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1. Introduction

1.1 Summary

On behalf of the owners of the subject land, Mr Erhard Vinkman and Mr Bob Elliston, we submit this proposal for:

- the rezoning of 127ha of land in two titles from *Rural Resource* to *Environmental Living*; and
- subdivision of the one of the parent titles into three lots (two lots and balance).



Figure 1. Existing and proposed Zoning

PLAN OF SUBDIVISION



Owners	Robert John Elliston; Erhard Vinkmann	Address	2015 & 2187 Bruny Island Main Road, Great Bay	This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the Council and the information shown hereon should be used for no other purpose. All measurements and areas are subject to final survey.							
		Council	Kingborough Council								
		Planning Scheme	Kingborough Interim Planning Scheme 2015								
		Zone & Overlay	26.0 Rural Resource, 120.WCP, 120.BPA, 120.FRE & 120.LDS								
Title References	FR 167611/2, FR 46800/1										
Schedule Of Easements											
Scale	1:10,000	Date	14 Sept 2021	PDA Reference	45761HC-1C	Map reference	TR08	PID	3307569 & 7904416	Point of Interest GDA2020 MGA55	530 980 E, 5 213 205 N

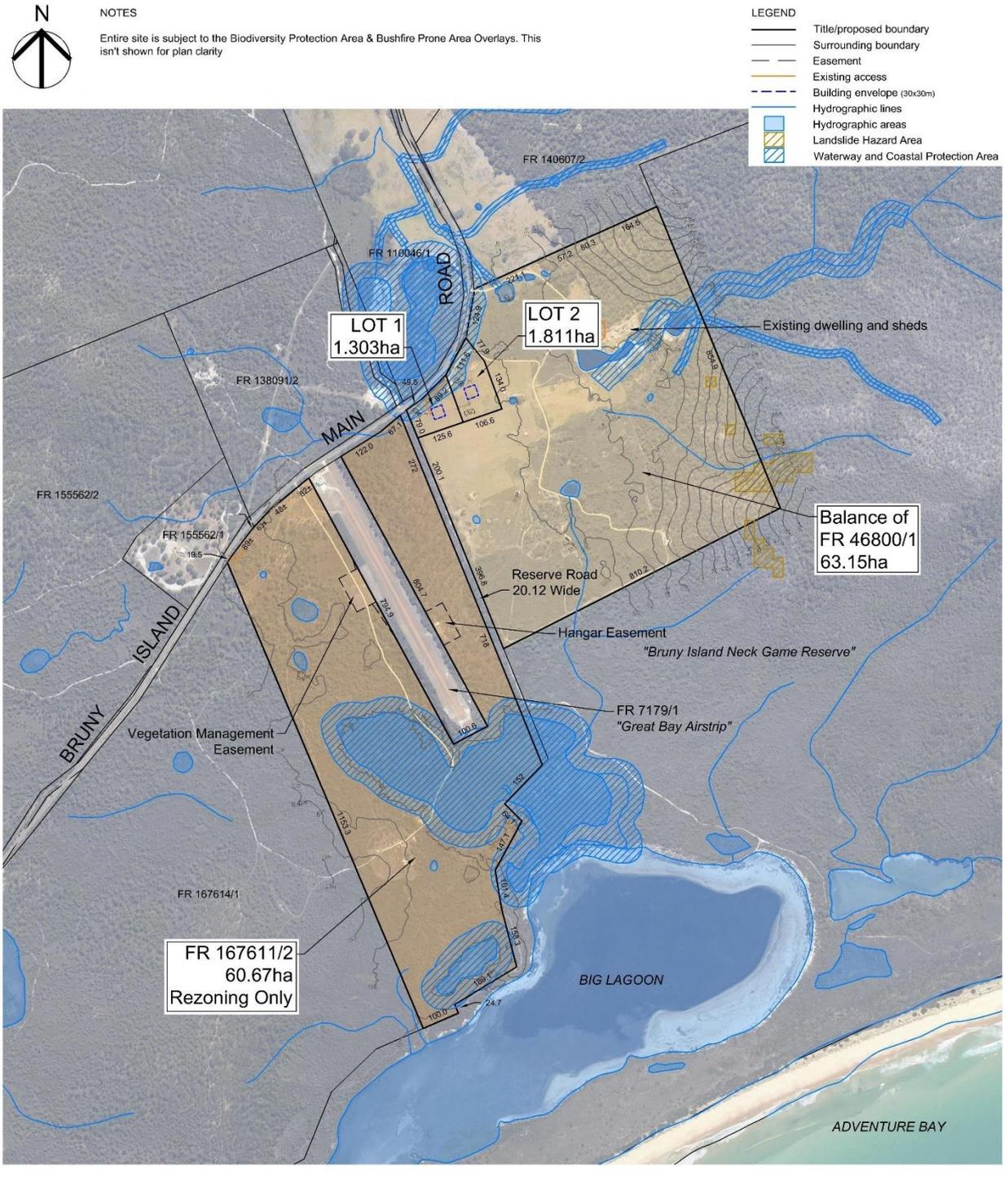


Figure 2. Proposed subdivision

1.2 Application documentation

The application comprises the following documentation:

- S43A submission by PDA Surveyors,
- Plan of Subdivision by PDA Surveyors (Annexure 1),
- Kingborough Council application form (Annexure 2),
- Landowner consent (Annexure 3),
- Title documentation (Annexure 4),
- Land Capability Assessment (Annexure 5),
- Bushfire Hazard Report (Annexure 6),
- Traffic Impact Assessment (Annexure 7), and
- Natural Values Assessment (Annexure 8).

2. Site description and context

2.1 Site description

The subject land lies to the south of the Bruny Island Main Rd at the northern end of the Bruny Island Neck. It is surrounded to the east, south and south-east by the *Bruny Island Neck Game Reserve*. The two parent titles are separated by a strip of reserved road that supports the walking track to Cape Queen Elizabeth.

The eastern third of the Vinkman property (FR46800/1) contains relatively steep forested land with a westerly aspect, including areas of threatened silver peppermint (*Eucalyptus tenuiramis*) forest on mudstone (DTO). The balance of the property is very flat land and contains a mix of exotic pasture and coastal scrub. There is an existing dwelling in the north-east of the property, along with two large dams at the terminus of Big Scrub Ck. The current land use could be described as 'hobby-farming', with small numbers of goat, pig and emu being farmed in fenced paddocks.

The Elliston property (FR 167611/2) wraps around the Great Bay Airstrip. The north-east of the property was managed as pasture in the past and is currently occupied by a mix of exotic pasture and regenerating cleared land. The eastern edge of the property contains healthy mature forest, including areas of endangered black gum (*E. ovata*) forest (DOV). The balance of the property contains a mix of coastal woodland, scrub, heath and wetlands. The only built infrastructure on the property is a 'standing camp' at an elevated site in the south-west of the block overlooking Big Lagoon. The current land use is as a 'private reserve' for the purposes of nature conservation and recreation.

2.2 Locality and Neighbourhood Character

The character of Bruny Island has evolved through the latter half of last century and into this century from a small island community depending largely on farming and forestry to an increasingly popular local, national and international tourist destination. Throughout, it has remained a popular place for Tasmanians to own shacks or holiday homes, albeit that demand in this sector has also increased. Increased visitation to the island has in part been fuelled by investment in services, with the sealing of the Main Rd to South Bruny playing a significant role in increased visitation to this part of the island.

The subject land lies at the junction of land traditionally used for pastoral purposes (land to the north extending around to Great Bay) and land with little productive potential around the Bruny Island Neck, most of which has been protected in a public reserve since 1979.

Until recently, public visitation to the area around the subject land was largely limited to people walking to Cape Queen Elizabeth from the car-park and walking track located between the two affected titles. Recent changes to land use on adjoining properties has led to an increase in visitation and probably heralds a change to the general character of the site:

- the private operator of the *Great Bay Airstrip* is offering scenic flights and the strip is attracting more use than it has for many years,
- a family business in the form of *Bruny Island Honey* has recently established a successful retail outlet on the northern side of Bruny Island Main Rd directly opposite the subject land (on FR 138091/2), and
- there is anecdotal evidence to suggest that these businesses are also attracting an increased use of the walking track to Cape Queen Elizabeth.

Arguably, these changes in surrounding land use are changing the character of the locality from a rural locale to a small tourist hub. In this context, the creation of smaller environmental living lots is not incongruous and could support a range of uses compatible with the emerging character of the area, including residences, holiday homes, accommodation for workers in nearby businesses, home-based businesses or visitor accommodation.

3. Amendment proposal

3.1 Purpose

The purpose of the proposed amendment is to deliver a zoning for the subject land that better reflects:

- the land capability,
- strategic imperatives for land use that preserves environmental and landscape values, and
- the aspirations of the current owners.

3.2 Zone Rationale

The subject land is poorly suited to agricultural pursuits. This is well understood by the current owners, whose long association with their respective blocks has included attempts at farming which have yielded poor economic returns and resulted in degraded environmental and landscape values. As a result, one of the blocks is currently managed as an informal private reserve and the other could be characterised as a large 'hobby farm'.

While remaining in the *Rural Resource* zone and transitioning to the *Rural* zone under the SPP will not necessitate agricultural use of the land, both owners feel that any zone which encourages agricultural aspirations is inappropriate given the biophysical constraints of the site. Further, as they value the environmental and landscape values of their properties and support strategic directions aimed at preserving these values on Bruny Island, they feel that *Environmental Living* transitioning to *Landscape Conservation* under the SPP is a more appropriate zoning for their land.

The current *Rural Resource* zoning for the subject land looks somewhat incongruous in the context of surrounding land (which is mostly zoned *Environmental Living*). An analysis of the zone mapping guidelines applied in implementation of the current Scheme reveals that the zoning for the subject land was dictated primarily by 'like-for-like' considerations and relatively arbitrary decision points around the scale of the property, relative percentages of cleared land and bushland and the perceived priority of any natural/landscape values present.

Some pecuniary interest in pursuing this application has to be acknowledged - both owners are approaching retirement age and are interested in sale of land to help fund their retirements. The advantage for Mr Vinkman in seeking a subdivision under the *Environmental Living* zone is the

flexibility to create lot sizes and configurations that suit his aspirations while permanently protecting the significant natural and landscape values of the subject land.

4. Land Use Planning and Approvals Act 1993

The applicable criteria for consideration under the *Land Use Planning and Approvals Act 1993* are considered and addressed below as well as the *State Policies* and the regional and local land use strategies.

4.1 Objectives - Schedule 1, Part 1

The relevant objectives of LUPAA specified in Schedule 1 and a response to those objectives follows.

- (a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; ...*

Response

The proposed re-zoning promotes land use more suited to the physical attributes and capability of the subject land (see Land Capability Assessment at Annexure 5).

As a requirement of subdivision under the *Environmental Living Zone*, significant areas of native vegetation will be protected under covenants registered against title, thereby permanently protecting ecological processes and genetic diversity on the subject land.

- (b) *to provide for the fair, orderly and sustainable use and development of air, land and water;*

Response

The experience of the owners is that the current zoning encourages unsustainable land use, given the poor productive potential of the land. The proposed re-zoning will facilitate more environmentally sustainable land use and will not limit the economically sustainable use of the subject land or adjoining properties.

It could be argued that the proposed subdivision constitutes 'ribbon development', but the lot yield is modest and recent changes to surrounding land use also mean that the creation of smaller *Environmental Living* lots at this location is not incongruous.

- (c) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c);*

Response: given the poor productive potential of the subject land, the proposal is unlikely to hinder economic development in the area and potential uses for lots arising from the subdivision may stimulate economic development (eg home-based businesses or visitor accommodation).

4.2 Objectives - Schedule 1, Part 2

The objectives of LUPAA specified in Part 2 of Schedule 1 and a response to those objectives follows.

- (a) *to require sound strategic planning and co-ordinated action by State and local government;*

Response: as detailed later in the report, the proposed amendment is reasonably consistent with applicable Local, Regional and State land use strategies.

- (c) *to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;*

Response: one of the objectives in seeking the amendment is to deliver better environmental and landscape outcomes for the subject land; in doing so, the proposal is unlikely to have any negative social and economic effects and may deliver some economic benefits.

- (d) *to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;*

Response

State, regional and municipal policies are discussed below. Generally speaking, these policies encourage protection of natural and landscape values and the coastal environment whilst discouraging further 'rural living' and 'ribbon' development outside of urban growth boundaries. The proposal meets environmental, conservation and resource management imperatives without significantly undermining objectives in relation to ribbon development.

- (f) *to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania;*

Response

It is considered that the proposed amendment would further the State and municipal objectives of sustainable economic development of land in a manner that does not compromise environmental, social, conservation or resource management values. This is consistent with providing a pleasant, efficient and safe living environment.

- (g) *to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*

Response

The subject land is highly likely to contain sites of Aboriginal Heritage significance, but no specific sites have been identified or recorded. If any values are identified, the provisions of the *Aboriginal Relics Act 1975* would be followed. There are no national, state or local heritage values identified on the site.

- (h) *to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*

Response

The only public infrastructure potentially impacted by the proposal is Bruny Island Main Rd. The *Traffic Impact Assessment* at Annexure 7 outlines in detail how access to the public road from the subject land can be managed to prevent any negative outcomes for operation of the road and public amenity.

4.3 Section 32 Requirements for Preparation of amendments

- (e) *must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*

Response: the proposal is unlikely to give rise to any land use conflict with use and development on adjoining land, most of which is zoned *Environmental Living* or *Environmental Management*.

(ea) *must not conflict with the requirements of section 300 ...*

Response: the responses in 5.3 and 5.4 of this document demonstrate that the proposed amendment is consistent with all relevant State Policies and the *Southern Tasmanian Regional Land Use Strategy* (STRLUS).

(f) *must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms*

Response

The proposal meets environmental, conservation and resource management imperatives without significantly undermining objectives in relation to ribbon development. The proposal is unlikely to have any negative social and economic effects and may deliver some economic benefits.

5. State Policies

5.1 State Policy on the Protection of Agricultural Land 2009 (PAL)

The PAL applies to Agricultural land, defined as all land that is in agricultural use or has the potential for agricultural use, that has not been zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses.

The subject land is not currently in agricultural use and the land capability is such that it has little potential for agricultural use (see Land Capability Assessment at Annexure 5). The land is mapped under the Land Capability layer on *theLIST* as Class 6 – *land marginally suited to grazing due to severe limitations* and the experience of the owners is that their properties are ill-suited to commercial agricultural enterprises.

5.2 State Policy on Water Quality Management 1997

The purpose of this policy (the policy) is to achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania's Resource Management and Planning System (Schedule 1 of the *State Policies and Projects Act 1993*).

Clause 31 of the policy deals with the control of erosion and stormwater runoff from land disturbance. Clause 31.5 requires that a use or development be consistent with the physical capacity of the land so that the potential for erosion and subsequent water quality degradation is minimised.

Future use and development of the site through provision of buildings and property access will require varying degrees of earthworks, but potential for erosion and water quality impacts is likely to be far less under an *Environmental Living* use than an agricultural use.

There are no significant site constraints that would prevent residential use and development on the subject land proceeding using readily available techniques without causing erosion or water quality degradation. The existing system of planning, building and plumbing approvals allows the Council to impose conditions on any permit to minimise the potential for erosion or water quality degradation. This system is relied upon to ensure that earthworks and stormwater from all hard surfaces including roads, buildings and driveways is managed in a manner consistent with required standards, including the *State Policy on Water Quality Management 1997*. On this basis, it is considered that the application is suitably consistent with the provisions of the policy.

5.3 Tasmanian State Coastal Policy 1996

The subject land is relatively low-lying land in proximity to the coast, but it is not affected by the *Coastal Inundation Hazard Area* overlay under the *Kingborough Interim Planning Scheme 2015* (the Scheme), or by modelling for 2050 and 2100 of *Coastal Vulnerability, Coastal Projected Sea Level Rise, Coastal Inundation Hazard Bands* or *Coastal Erosion Hazard Bands* (theLIST, 2021).

Clause 1.1.10 of the *State Coastal Policy* (the policy) provides that:

The design and siting of buildings, engineering works and other infrastructure, including access routes to the coastal zone, will be subject to planning controls to ensure compatibility with natural landscapes.

Response: the provisions of the *Environmental Living Zone* of the Scheme impose significant constraints on the design and siting of buildings, engineering works and other infrastructure to minimise any impacts on the natural environment.

Clause 1.4.1 of the policy provides that:

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

Response

No expert investigations have been undertaken in relation to the issues of sea level rise, storm surge and coastal recession for the subject land. Affected areas of the subject land have an elevation of between 5m and 15m above sea level, making it well above a vertical sea-level rise allowance of 0.20 metres by 2050, as supported by the State government hazard modelling (theLIST, 2020). The site is not subject to natural coastal processes or hazards such as flooding, storms, erosion, landslip, littoral drift or dune mobility. On this basis, it is considered that the proposed amendment would not be contradictory or inconsistent with the *State Coastal Policy 1996*.

Clause 2.1.3 of the *Coastal Policy* provides that:

Siting, design, construction and maintenance of buildings, engineering works and other infrastructure, including access routes within the coastal zone, will be sensitive to the natural and aesthetic qualities of the coastal environment.

Response

The provisions of the *Environmental Living Zone* of the Scheme impose significant constraints on the design and siting of buildings, engineering works and other infrastructure to minimise any impacts on the natural environment. These provisions lead to the grouping of potential future residential development near the road frontage and as far as possible from any natural or aesthetic values associated with the coastal environment.

Clause 2.4.2 of the *Coastal Policy* provides that:

Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.

Response

While the proposal does invite some residential development outside settled areas and it could be argued that it constitutes 'ribbon development', the lot yield potential is modest and a small number of environmental living lots at this location is not incongruous. The proposal meets environmental, conservation and resource management imperatives without significantly undermining objectives in relation to ribbon development.

6. Local and Regional Strategic Considerations

6.1 Southern Tasmania Regional Land Use Strategy (STRLUS)

The STRLUS provides a regional vision of:

“a vibrant, growing, liveable and attractive region, providing a sustainable lifestyle and development opportunities that build upon our unique natural and heritage assets and our advantages as Australia’s southern most region.”

Principles of equity and sustainability inform 10 strategic directions as follows:

- Adopting a more integrated approach to planning and infrastructure;
- Holistically manage residential growth;
- Creating a network of vibrant and attractive activity centres;
- Improving our economic infrastructure;
- Supporting our productive resources;
- Increasing responsiveness to our natural environment;
- Providing management of our water resources;
- Supporting strong and healthy communities;
- Making the region nationally and internationally competitive; and
- Creating liveable communities.

These strategic directions inform 15 regional policies which are supported by more specific sub-policies. The 12 Regional Policies most relevant to this proposal are headed:

- Biodiversity & Geodiversity;
- Water Resources;
- The Coast;
- Cultural Values;
- Tourism;
- Productive Resources; and
- Settlement & Residential Development.

The relevant clauses of each of the relevant sub-policies of these Regional Policies are considered and addressed below.

Biodiversity and Geodiversity

BNV 1 *Maintain and manage the region’s biodiversity and ecosystems and their resilience to the impacts of climate change.*

BNV 1.1 *Manage and protect native vegetation at the earliest possible stage of the land use planning process (rezoning)*

Response: the proposed rezoning will result in greater protection of all the native vegetation on the subject land via the provisions of the *Environmental Living zone* (current Scheme) and *Landscape Conservation zone* (SPP);

the proposed subdivision will result in the permanent protection of most of the native vegetation on the Vinkman property through covenants registered on title via the provisions of the *Environmental Living Zone*.

BNV 1.2 *Implement a planning assessment approach that follows the, 'avoid, minimise, mitigate, offset', hierarchy of actions*

Response: the proposal avoids impacts on native vegetation where possible and where avoidance is not possible, minimises impact by locating future infrastructure in areas of previously cleared and converted land.

BNV 1.3 *Accept offsets as a 'last resort' and only where there is a net conservation benefit, security of the offset in perpetuity and based upon 'like for like'.*

Response: offsets should not be required as part of this proposal.

BNV 1.5 *Ensure vegetation clearance and/or soil disturbance is undertaken in accordance with construction management plans that minimise further loss of values and encourages rehabilitation of native vegetation.*

Response: it is anticipated that requirements for management of soil disturbance and vegetation clearing will form part of any permit conditions arising from this application.

BNV 2 *Protect threatened vegetation communities, flora and fauna species, habitat for threatened species and places important for building resilience and adaptation to climate change for these.*

BNV 2.1 *Avoid the clearance of threatened vegetation communities ...*

Response: there are three threatened vegetation communities on the subject land - coastal wetlands; black gum (*Eucalyptus ovata*) woodland; and silver peppermint (*E. tenuiramis*) forest on mudstone (DTO);

the proposed rezoning will result in greater protection of threatened communities on the subject land via the provisions of the *Environmental Living zone* (current Scheme) and *Landscape Conservation zone* (SPP);

the proposed subdivision will result in the permanent protection of threatened DTO forest on the Vinkman property through covenants registered on title via the provisions of the *Environmental Living Zone*.

BNV 2.2 *Minimise clearance of native vegetation communities that provide habitat for threatened species*

Response: no native vegetation providing habitat for threatened species will be cleared or impacted by the proposal.

BNV 2.3 *Ensure potential applicants are advised of the requirements of the Threatened Species Protection Act 1995 and their responsibilities under the Environmental Protection and Biodiversity Conservation Act 1999*

Response: the applicants are aware of their responsibilities.

BNV 3 *Protect the biodiversity and conservation values of the Reserve Estate*

Response: not directly applicable to this proposal, but the improved protection for native vegetation on the subject land will deliver a significant buffer to the adjoining *Bruny Island Neck Game Reserve* and the permanent protection of most of the native vegetation on the Vinkman property (through covenants registered

on title via the provisions of the *Environmental Living Zone*) will make a significant addition to protected areas in the landscape.

BNV 5 *Prevent the spread of declared weeds under the Weed Management Act 1999 and assist in their removal.*

BNV 5.1 Ensure development that includes vegetation clearance and/or soil disturbance is undertaken in accordance with construction management plans that include weed management actions where the site is known, or suspected, to contain declared weeds

Response

Both the Vinkman and the Elliston properties have significant infestations of Spanish Heath (*Erica lusitanica*) in cleared land along the frontage to Bruny Island Main Rd. It is anticipated that weed management requirements will form part of any permit conditions in relation to this application.

BNV 6 *Protect areas of high geodiversity significance*

Response: not directly applicable to this proposal, but the subject land is geologically diverse and any features of geodiversity significance will achieve greater protection under this proposal along with the associated native vegetation.

Water Resources

WR 1 *Protect and manage the ecological health, environmental values and water quality of surface and groundwater, including waterways, wetlands and estuaries*

Response: the proposal is unlikely to impact any surface or groundwater, including waterways, wetlands and estuaries; it is anticipated that stormwater and wastewater management requirements will form part of any permit conditions in relation to this application.

WR 2 *Manage wetlands and waterways for their water quality, scenic, biodiversity, tourism and recreational values*

Response: the proposal does not negatively impact wetlands or waterways and the proposed rezoning will result in greater protection of some significant coastal wetlands on the subject land via the provisions of the *Environmental Living zone* (current Scheme) and *Landscape Conservation zone* (SPP);

WR 3 *Encourage the sustainable use of water to decrease pressure on water supplies and reduce long term cost of infrastructure provision*

Response: the subject land is an area not serviced by reticulated water, stormwater or sewerage; sustainable water usage and management will be an imperative for any future residential occupation.

The Coast

C 1 *Maintain, protect and enhance the biodiversity, landscape, scenic and cultural values of the region's coast*

C 1.1 *Ensure use and development avoids clearance of coastal native vegetation*

Response: any future development on the subject land arising from the proposal will occur in proximity to the road frontage (as far as possible from the coast) on cleared land or previously cleared and converted land,

the proposed rezoning will result in greater protection of coastal areas and associated vegetation on the subject land via the provisions of the *Environmental Living zone* (current Scheme) and *Landscape Conservation zone* (SPP),

the proposed subdivision will result in the permanent protection of coastal areas and associated vegetation on the Vinkman property through covenants registered on title via the provisions of the *Environmental Living Zone*.

C 1.3 *Prevent development on mobile landforms and coastal mudflats unless for the purposes of public access or facilities or for minor infrastructure that requires access to the coast*

Response: the proposal does not affect mobile landforms or coastal mudflats.

C 2 *Ensure use and development in coastal areas is responsive to effects of climate change including sea level rise, coastal inundation and shoreline recession*

Response: the subject land is relatively low-lying land in proximity to the coast, but it is not affected by the *Coastal Inundation Hazard Area* overlay under the *Kingborough Interim Planning Scheme 2015* (the Scheme), or by modelling of *Coastal Vulnerability*, *Coastal Projected Sea Level Rise*, *Coastal Inundation Hazard Bands* or *Coastal Erosion Hazard Bands* (*theLIST*, 2020 – modelling for 2050 & 2100).

Cultural Values

CV 1 *Recognise, retain and protect Aboriginal heritage values within the region for their character, culture, sense of place, contribution to our understanding of history and contribution to the region's competitive advantage*

Response: the subject land is highly likely to contain sites of Aboriginal Heritage significance, but no specific sites have been identified or recorded;

in the event that any values are identified, the provisions of the *Aboriginal Relics Act 1975* will be followed.

CV 2 *Recognise, retain and protect historic cultural heritage values within the region for their character, culture, sense of place, contribution to our understanding history and contribution to the region's competitive advantage*

Response: there are no known or recorded historic cultural heritage values associated with the subject land.

CV 4 *Recognise and manage significant cultural landscapes throughout the region to protect their key values*

Response: the site is not recognised as significant cultural landscape.

CV 5 *Recognise and manage archaeological values throughout the region to preserve their key values*

Response: there are no known or recorded archaeological values associated with the subject land.

Tourism

T 1 Provide for innovative and sustainable tourism for the region

T 1.1 Protect and enhance authentic and distinctive local features and landscapes throughout the region ... &

T 1.2 Identify and protect regional landscapes, which contribute to the region's sense of place, through planning schemes

Response: the proposal will increase protection for a significant part of the coastal landscape at the northern end of the Bruny Island Neck along a major tourism corridor;

the creation of smaller environmental living lots at this location could support a range of uses compatible with tourism, including holiday homes, accommodation for workers in nearby businesses, home-based businesses or visitor accommodation.

Productive Resources

PR 1 Support agricultural production on land identified as regionally significant by affording it the highest level of protection from fettering or conversion to non-agricultural uses

Response: the land is not identified as regionally significant for agriculture and is mapped under the Land Capability layer on *theLIST* as Class 6 – *land marginally suited to grazing due to severe limitations*,

the experience of the owners is that their properties are ill-suited to commercial agricultural enterprises and the Land Capability Assessment at Annexure 5 concludes that agricultural potential is probably limited to 'hobby-scale' activities.

PR 2 Manage and protect the value of non-significant agricultural land in a manner that recognises sub-regional diversity in land and production characteristics.

PR 2.3 Utilise the settlement strategy to assess conversion of rural land to residential land through rezoning, rather than the potential viability or otherwise of the land for particularly agricultural enterprises

Response

On the face of it, the proposal seems to run counter to this objective, as it creates two new lots of a scale that probably cannot support commercial agriculture and that are likely to be used for residential purposes (consistent with expectation under *Environmental Living* zoning). However, given that the subject land is not being farmed and has such low productive potential that it is unlikely to be farmed commercially in future, it seems unreasonable to view the proposal as *conversion of rural land to residential land*. In terms of actual land use, it is more accurate to view the proposal as converting large rural and environmental living lots to a mix of large and small environmental living lots.

In terms of preserving any agricultural potential on the subject land that may emerge from future innovation or from boutique production associated with other uses such as tourism or visitor accommodation, the maintenance of large balance lots under this proposal preserves the vast majority of any latent agricultural potential in the parent lots.

PR 2.5 Provide flexibility for commercial and tourism uses provided that long-term agricultural potential is not lost and it does not further fetter surrounding agricultural land

Response: the creation of some smaller lots at this location whilst preserving agricultural potential on large balance lots provides opportunities for a range of uses, including commercial (home-based business) and tourism (visitor accommodation).

PR 2.6 Ensure the introduction of sensitive uses not related to agricultural use, such as dwellings on small non-farming titles, are only allowed where it can be demonstrated the use will not fetter agricultural uses on neighbouring land

Response: in the context of surrounding land uses, which are predominantly 'rural living' and 'environmental living' uses, the creation of some smaller environmental living lots at this location is unlikely to fetter any agricultural uses on neighbouring land.

Settlement and Residential Development

SRD 1.3 *Support consolidation of existing settlements by restricting the total area of rural living and environment living footprints to the existing overall land area of such use*

Response

It is interesting to note that the point of reference in this policy statement is not the zoning but the land use. Assuming that this is intentional, the proposal is consistent with the policy because the current and long-standing land use on the Elliston property is best described as 'environmental living' (albeit through a standing camp rather than a formal residence), while the current and long-standing land use on the Vinkman property is best described as 'rural living' or 'hobby farming'.

If the intent of the policy is to limit expansion of the land area under rural living and environmental living zoning, then the proposal is not consistent with the policy. Nevertheless, not every proposal will be consistent with all strategic directions and we contend that the strategic benefits in protecting natural and landscape values delivered under the proposal outweigh any costs associated with two new residential lots being created outside existing settlements.

6.2 Kingborough Land Use Strategy (KLUS)

The previous version of the *Kingborough Land Use Strategy* (2013) informed the implementation of the *Kingborough Interim Planning Scheme 2015* and the recent update (2019) is largely to inform the implementation of the *Local Provisions Schedule* (LPS) required to transition to the *State Planning Provisions* (SPP). Given that this application is made under the current Scheme and that one of the zones under consideration (*Environmental Living*) will not exist under the SPP, the 2013 version is the relevant point of reference for this discussion.

In terms of strategic direction, the KLUS is (necessarily) consistent with the STRLUS. To avoid unnecessary repetition, this section will focus on any issues given particular emphasis in the KLUS and any issues, policies or strategic directions either specific to Bruny Island or having particular relevance to Bruny Island. The following are general observations relevant to the strategic direction under the KLUS (2013) as it relates to this application.

- A. A specific emphasis is placed on retaining and protecting the natural and landscape values of Kingborough generally and of Bruny Island in particular.

- B. Although no *Desired Future Character Statement* is proffered for Bruny Island as a whole, the spirit of the statement from the *Kingborough Planning Scheme 2000* is preserved in the KLUS and the implementation of the current Scheme. As a result, protection of natural and landscape values on Bruny Island has been given special attention under the current Scheme by:
- applying the *Biodiversity Code* to the whole of the island;
 - widespread application of the *Environmental Living Zone*;
 - application in some zones of larger minimum lot sizes for Bruny Island than mainland areas of Kingborough (eg 20ha vs 10ha for the *Environmental Living Zone*); and
 - application of *Environmental Living Zone* provisions which require the protection of natural values through mechanisms registered on title as a condition of any subdivision approval.
- C. The same tension evident in the STRLUS exists between strategic imperatives to protect natural and landscape values (well served by this proposal) and to limit residential development outside settled areas (inconsistent with the proposal).
- It is acknowledged in the KLUS, however, that the application of the *Environmental Living* and the *Rural Living* zones must inevitably result in the creation of small numbers of residential lots outside settled areas. Further, it is implicit in the application of the *Environmental Living Zone* that this outcome is considered acceptable if application of the zone is serving other strategic objectives, in particular the protection of natural and landscape values.
- D. An analysis of the zone mapping guidelines applied in implementation of the current Scheme reveals that the zoning for the subject land was dictated primarily by 'like-for-like' considerations and relatively arbitrary decision points around the scale of the property, relative percentages of cleared land and 'bushland' and the perceived priority of any natural/landscape values present. As a result, the current zoning of the subject land looks somewhat incongruous in the context of:
- the zoning of surrounding land (which is mostly *Environmental Living*);
 - the extent of native vegetation on the subject lots, particularly the Elliston property which has reverted almost entirely to native vegetation cover since farming ceased; and
 - the application of the *Environmental Living Zone* to other properties in the municipality of a similar scale and/or situation.

Desired Future Character

The KLUS and the current Scheme outline *Desired Future Character Statements* for several settled areas on Bruny Island, but not for Great Bay, the Bruny Island Neck or Bruny Island as a whole. It is clear from the discussion in the KLUS however, that the spirit of the statement from the *Kingborough Planning Scheme 2000* for the whole island is preserved in the KLUS and the implementation of the current Scheme:

1. *The unique natural environment is Bruny Island's most important attribute and must be protected from inappropriate land use and development.*

Response: the proposal is modest in scale, respects the values and constraints of the subject land and does not constitute inappropriate land use and development.

2. *Low-key sensitive development is appropriate within existing developed areas and should essentially be limited to the in-fill development of vacant lots. The existing natural character of rural areas should be protected from rural residential type subdivision that is not sympathetic to the surrounding landscape.*

Response: while it is desirable to avoid development outside settled areas, some small-scale residential development outside settled areas is unavoidable and limited residential development at this location under the constraints of the

Environmental Living Zone will deliver strategic benefits that outweigh the costs of a small number of additional residential lots.

- The relative isolation of island life is an attraction in itself and brings with it a more relaxed and quieter lifestyle, and a more self-sufficient and supportive community. Development should be designed to discretely support this Bruny Island lifestyle.*

Response: the creation of some smaller environmental living lots at this location will not undermine the Bruny Island lifestyle and may contribute to a more self-sufficient community.

- Use or development that improves service delivery, especially health, transport, retail/restaurant and emergency services, is to be encouraged, particularly within or adjacent to existing developed areas.*

Response: given recent changes in land-use on surrounding properties (see page 6), the creation of some smaller environmental living lots at this location could support a range of uses which support improved service delivery (eg home-based business or accommodation for workers in nearby businesses).

- Larger scale developments that do not reflect the existing lifestyle and built characteristics of the Island are generally regarded as being out of character.*

Response: the proposal is not a large-scale development.

- Tourism provides opportunities for investment and employment and the marketing of Bruny Island. Relatively low-key tourism development is appropriate where it balances the needs of residents and visitors and enhances the Bruny experience.*

Response: given recent changes in land-use on surrounding properties and the potential emergence of a small tourist hub at this locale, the creation of some smaller environmental living lots could support a range of uses associated with low-key tourism developments (eg home-based business, accommodation for workers in nearby businesses or visitor accommodation).

- Opportunities for small businesses, agricultural enterprises and 'cottage industries' are to be encouraged where they support and enhance the lifestyles of local residents and the visitor experience.*

Response: the creation of some smaller environmental living lots at this location could support home-based businesses or visitor accommodation, while the larger balance lots preserve any latent agri-business potential in the parent lots (eg boutique production associated with other uses such as tourism or visitor accommodation).

- The Aboriginal, cultural and historic heritage of Bruny Island is unique. These values should be recognised and built upon with respect. Such heritage is to be protected and its historical associations should be presented in ways that enhance experiences for visitors and residents.*

Response: the subject land is highly likely to contain sites of Aboriginal Heritage significance, but no specific sites have been identified or recorded; in the event that any values are identified, the provisions of the *Aboriginal Relics Act 1975* will be followed.

- Road infrastructure, recreational facilities and other public services need to be provided and maintained to a higher standard in order to improve local amenity and enjoyment. Use or development should only occur where it will not compromise the standard of such public infrastructure assets.*

Response: the proposal occurs on a well-constructed, sealed section of Bruny Island Main Rd and the proposal will not compromise the condition or operation of the road or any other public infrastructure assets.

Comparison of Zone Mapping Guidelines (p195-199)

Environmental Living	These are essentially unserviced residential “bush” blocks. The land contains native vegetation that contributes to overall biodiversity and/or landscape values – though may not be otherwise reserved or protected. Often will be forested land that forms a scenic backdrop to settlements. It could occur in quite remote locations or close to major urban areas (eg Bonnet Hill, Boronia Hill) – the natural values of the land itself will be the main criteria.	Will generally apply to areas that are already subdivided in the 5ha to 15ha lot size range. A minimum lot size of 10ha for all “mainland” areas and 20ha on Bruny Island. The larger minimum on Bruny reflects the existing settlement pattern.
Rural Resource	Applies to land that has long term potential to be utilised for productive resources (agriculture, forestry, mining etc). Includes farming land, State Forests, Private Timber Reserves. It will also be used on occasion as a holding zone on the edge of existing urban areas (eg Margate), in that the land is targeted for future residential development in the foreseeable future	Minimum lot size of 40ha. Essentially precludes further subdivision apart from some particularly large parcels on Bruny Island.

A comparison of the zone mapping guidelines from the KLUS for the *Environmental Living Zone* and the *Rural Resource Zone* (see above) supports the contention that the subject land is more appropriately zoned *Environmental Living*. The parent lots both contain native vegetation that contributes to overall biodiversity and landscape values and neither lot has long-term potential to be utilised for productive resources, particularly given the fact that such uses would undermine the maintenance of biodiversity and landscape values.

The decision to zone the land *Rural Resource* under the current Scheme probably related to the scale of the lots (>15ha) and perhaps the perceived extent of cleared land or previously cleared land. There are precedents however, for application of the *Environmental Living* zone to much larger lots (eg CT 139168/1 at Tinderbox & CT 201782/1 at Lunawanna) and for the inclusion of significant areas of cleared land within that zone (eg on CT 139168/1 at Tinderbox, CT 170011/20 at Roberts Point on Bruny Island and CT 140607/2 directly to the north of the subject land).

It is clear from discussion in the KLUS that the decision to zone some larger lots as *Environmental Living* was due to the significance of the natural values associated with those lots (eg Tinderbox). Presumably the inclusion of cleared land on some lots was based on that land forming a minority proportion of the overall lot and a desire to avoid split zoning. If these same principles are applied to the subject land, there is strong case for application of the *Environmental Living* zone:

- TASVEG mapping underestimates the extent of native vegetation on the subject land, with long-established areas of coastal scrub on the Vinkman property incorrectly mapped as bracken fernland,
- there is virtually no cleared land remaining on the Elliston property and cleared and developed land is a minority proportion of the Vinkman property (~25%),
- there are areas of three threatened vegetation communities on the subject land which are not mapped under TASVEG – coastal wetlands and black gum (*Eucalyptus ovata*) forest (DOV) on the Elliston property and silver peppermint (*E. tenuiramis*) forest on mudstone on the Vinkman property, and
- the subject land represents a significant part of the coastal landscape at the northern end of the Bruny Island Neck along a major tourism corridor.

7. Subdivision - Kingborough Interim Planning Scheme 2015

The subject land (the Vinkman property) currently consists of a large rural title (FR 46800/1) +/- 66.28ha in size with frontage to Bruny Island Main Rd. The proposed subdivision of the Vinkman property will create:

- a lot +/-1.30ha in size located in the northwest corner of the subject land (Lot 1);
- a lot +/-1.81ha in size directly east of Lot 1 (Lot 2); and
- a balance lot +/- 63.15ha in size (Balance).

The subject land is currently affected by several overlays (see Figure 1):

- *Biodiversity Protection Area* overlay, which affects the entire area;
- *Bushfire Prone Areas* overlay, which affects the entire area;
- *Waterway and Coastal Protection Area* overlay, which affects riparian areas at the terminus of Big Scrub Ck near the eastern boundary of the Vinkman property and coastal wetlands at the southern end of the Elliston property and is not materially affected by any aspect of the proposal; and
- *Landslide Hazard Area (Low)* overlay, which covers slopes 11-200, has some overlap with the forest at the eastern end of FR 46800/1 and is not materially affected by any aspect of the proposal.

No change to applicable Codes is proposed as part of the re-zoning.

Planning Scheme Provisions

14.0 Environmental Living Zone

The proposal is consistent with the *Zone Purpose Statements*:

- 14.1.1.1 To provide for residential use or development in areas where existing natural and landscape values are to be retained. This may include areas not suitable or needed for resource development or agriculture and characterised by native vegetation cover, and where services are limited and residential amenity may be impacted on by nearby or adjacent rural activities.
- 14.1.1.2 To ensure development is reflective and responsive to the natural or landscape values of the land.
- 14.1.1.3 To provide for the management and protection of natural and landscape values, including skylines and ridgelines.

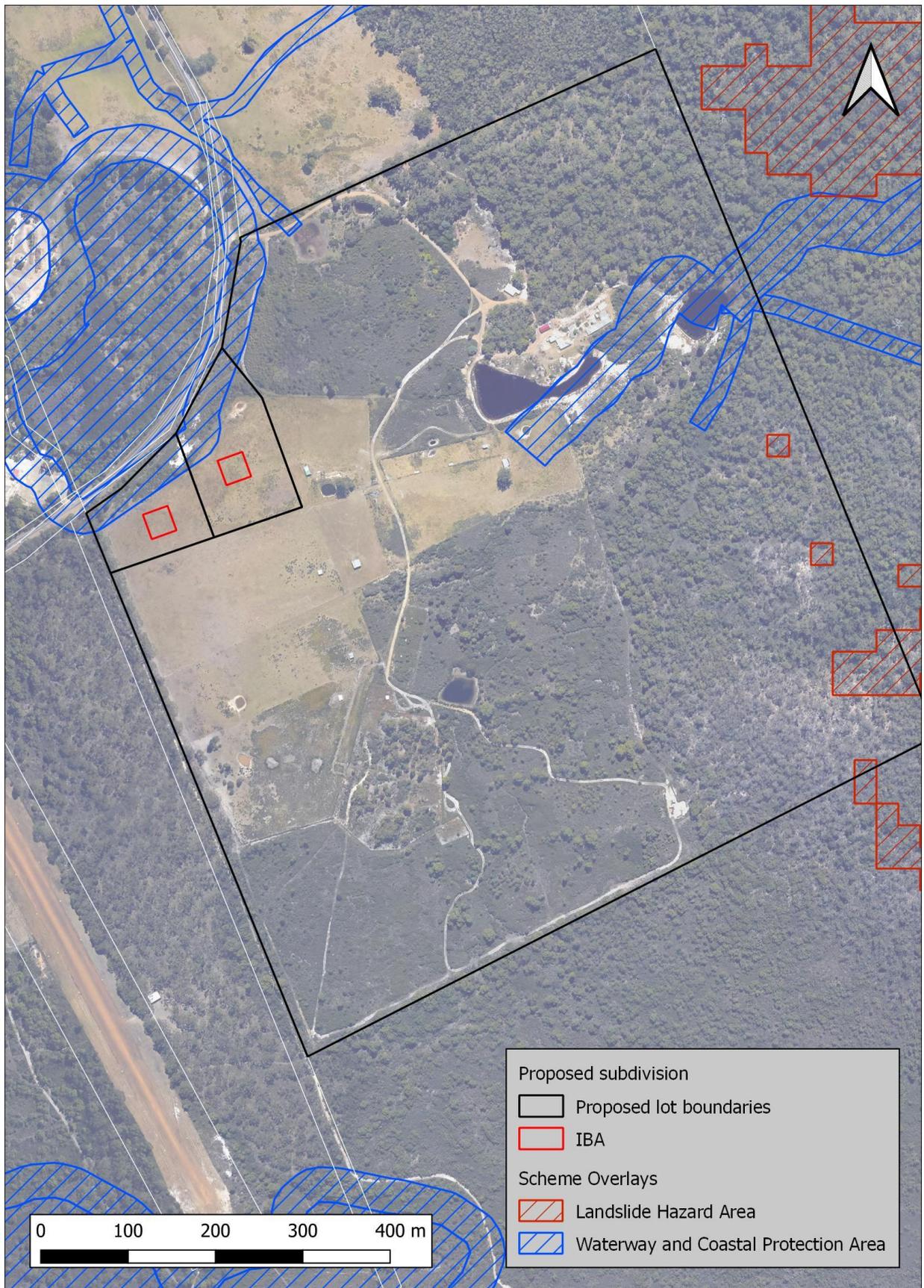


Figure 3. Intersection of proposed subdivision with Landslide Hazard Area overlay (Low) and Scenic Landscape Area overlay (Biodiversity and Bushfire Prone Areas overlays apply to the whole site)

14.5 Development Standards for Subdivision

14.5.1 Lot Design

The proposal satisfies the stated objectives of:

- (a) having appropriate area and dimensions to accommodate development consistent with the Zone Purpose ...;
- (b) containing (indicative) building areas which are suitable for residential development, located to avoid hazards and values and will not lead to land use conflict and fettering of resource development use on adjoining rural land; and
- (c) are not internal lots ...

The proposal variously complies with the *Acceptable Solutions* or the *Performance Criteria* as set out below.

P1

- (a) the number of lots is no more than 1 lot per 10ha;
- (b) lots and *Indicative Building Areas* are clustered near the road frontage;
- (c) the owner is amenable to the registration of covenants against title to permanently protect the majority of the native vegetation on the subject land and to deliver a significant nett conservation benefit (see section below on *Biodiversity Code*);
- (d) the owner is amenable to registration of covenants against larger titles to prevent further subdivision.

P2

Indicative Building Areas on Lot 1 and Lot 2 have setbacks of at least 30m and both lots are capable of supporting building areas with setbacks large enough to avoid conflict with adjoining uses and to maintain the landscape character of the area.

The design of Lot 1 and Lot 2 is able to satisfy all of the following:

- (a) both lots can support building areas reasonably capable of accommodating residential use and development, with both *Indicative Building Areas* meeting the acceptable solution (30m x 30m);
- (b) both *Indicative Building Areas* can meet applicable standards in codes in the Scheme (see section below on Codes);
- (c) both *Indicative Building Areas* provide the opportunity for good solar access, given the slope and aspect of the land;
- (d) both *Indicative Building Area* are located on flat land, which minimises the likelihood of any earth works, retaining walls or cut & fill associated with future development;
- (e) both *Indicative Building Areas* are located on existing exotic pasture and minimal new access works are required;
- (f) both *Indicative Building Areas* are located on existing exotic pasture and as such, the *Indicative Building Areas* do not impact on any native vegetation subject to codes in the Scheme (see section below on *Biodiversity Code*).

P3 The frontage for both Lot 1 and Lot 2 provides opportunity for reasonable vehicular and pedestrian access and is not less than 6m.

A4 No lot is an internal lot.

- A5** There is over 300m between the existing building on the Balance of FR 46800/1 and a new boundary, which exceeds the acceptable solutions under 14.4.2 (minimum 30m).

14.5.2 Roads

No new roads are proposed as part of the subdivision.

14.5.3 Ways and Public Open space

No public ways are proposed.

- P2** It is proposed that a public open space contribution will be provided as cash in lieu.

14.5.4 Services

- A1** It is not necessary to connect a lot to a reticulated potable water supply.
- P2** Both Lot 1 and Lot 2 are capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land (the land areas are large enough to enable treatment to be wholly contained within the boundaries of the lots).
- P3** Both Lot 1 and Lot 2 are capable of accommodating an on-site stormwater management system adequate for the likely future use and development of the land (there is sufficient area available on all lots for stormwater associated with future residential use of the lots to be either disposed of on-site or collected for re-use on the site).

Codes

E1.0 Bushfire-Prone Areas Code

A Bushfire Hazard Report and Bushfire Hazard Management Plan have been prepared in support of the proposal (see Annexure 6), which certify that *Indicative Building Areas* for both Lot 1 and Lot 2 are capable of accommodating residential development with sufficient separation from surrounding bushfire-prone vegetation to meet the requirements of BAL-19 in Table 2.4.4 of *Australian Standard AS 3959 – 2009*. As such, the proposal meets the Acceptable Solution under E1.6.1 A1(b)(iii).

E5.0 Road and Railway Assets Code

Bruny Island Main Rd is a sealed State road with a formation +/- 7m wide where it fronts the subject land and a sign-posted speed limit of 90km/h. The proposal does not include any new roads.

E5.6.2 Road accesses and junctions

There will be no increase in traffic at an existing access or junction. New road access and junctions have been minimised by creating a shared access point from Bruny Island Main Rd to service Lot 1 and Lot 2.

- P1** The increase in vehicle traffic will be safe and will not unreasonably impact on the efficiency of Bruny Island Main Rd, having regard to:
- (a) assuming that the proposed new environmental living lots generate an average ten (10) car movements per day (TIA Guidelines for residential properties, Dept Infrastructure and Energy, 2007), the potential increase in vehicle movements to and from the site using the proposed new access point will be 20 movements per day;
- there is high probability that future use of the lots will not support permanent occupation, so this is likely to represent a worst-case scenario;
- this increase does not represent a large volume of traffic in the context of Bruny Island Main Rd, particularly given the irregular traffic flows currently experienced due to low density permanent settlement patterns (low background flows), daily pulse flows associated

primarily with ferry arrivals to the island and seasonal variations associated with shack owner and tourist traffic;

- (b) the nature of the traffic generated by environmental living use is relatively benign in terms of efficiency and traffic flow (being dominated by passenger vehicles with only occasional heavy vehicle and commercial traffic);
- (c) the proposed new access/junction occurs on a flat and relatively straight section of Bruny Island Main Rd with good sight lines; when constructed to all applicable standards, the new access/junction will provide safe and efficient access (see below);
- (d) Bruny Island Main Rd is a well-formed and well-maintained sealed road with a formation +/- 7m wide at the proposed access points;
- (e) there is a sign-posted speed limit of 90km/h along the road frontage and traffic flow is irregular due to the low-density permanent settlement pattern (low background flows), daily pulse flows associated primarily with ferry arrivals to the island and seasonal variations associated with shack owner and tourist traffic;
- (f) there are no alternative roads to provide access to the site;
- (g) the access/junction is necessary to support any development at this site;
- (h) a traffic impact assessment has been commissioned (see Annexure 7), which concludes that the proposed access provisions will be safe and will not unreasonably impact on the efficiency of Bruny Island Main Rd; and
- (i) an application for Crown consent has been lodged and a permit for the application is attached.

E5.6.4 Sight distance at accesses, junctions and level crossings

The relevant *Safe Intersection Sight Distances* shown in Table E5.1 are 210m for a 90km/h speed limit and a vehicle speed of 90km/h. This cannot be achieved from the proposed access point, but available sight distances can meet the requirements of *AS/NZS 2890.1:2004 Figure 3.2 Sight Distance Requirements at Access Driveways*, being 130m (see Figure 4):

E6.0 Parking and Access Code

E6.7.2 Number of Vehicular Accesses

- P1** The number of vehicle access points has been minimised by creating a shared access point for Lot 1 and Lot 2 and having regard to all of the following:
- (a) on-street parking is not a significant consideration in the context of a rural road with no kerb and guttering;
 - (b) the proposed new access is sited and sufficiently separated from existing accesses such that they do not compromise
 - i) pedestrian safety, amenity and convenience;
 - ii) traffic safety;
 - iii) residential amenity on adjoining land; or
 - iv) the streetscape ...(clauses v) & vi) are not applicable).

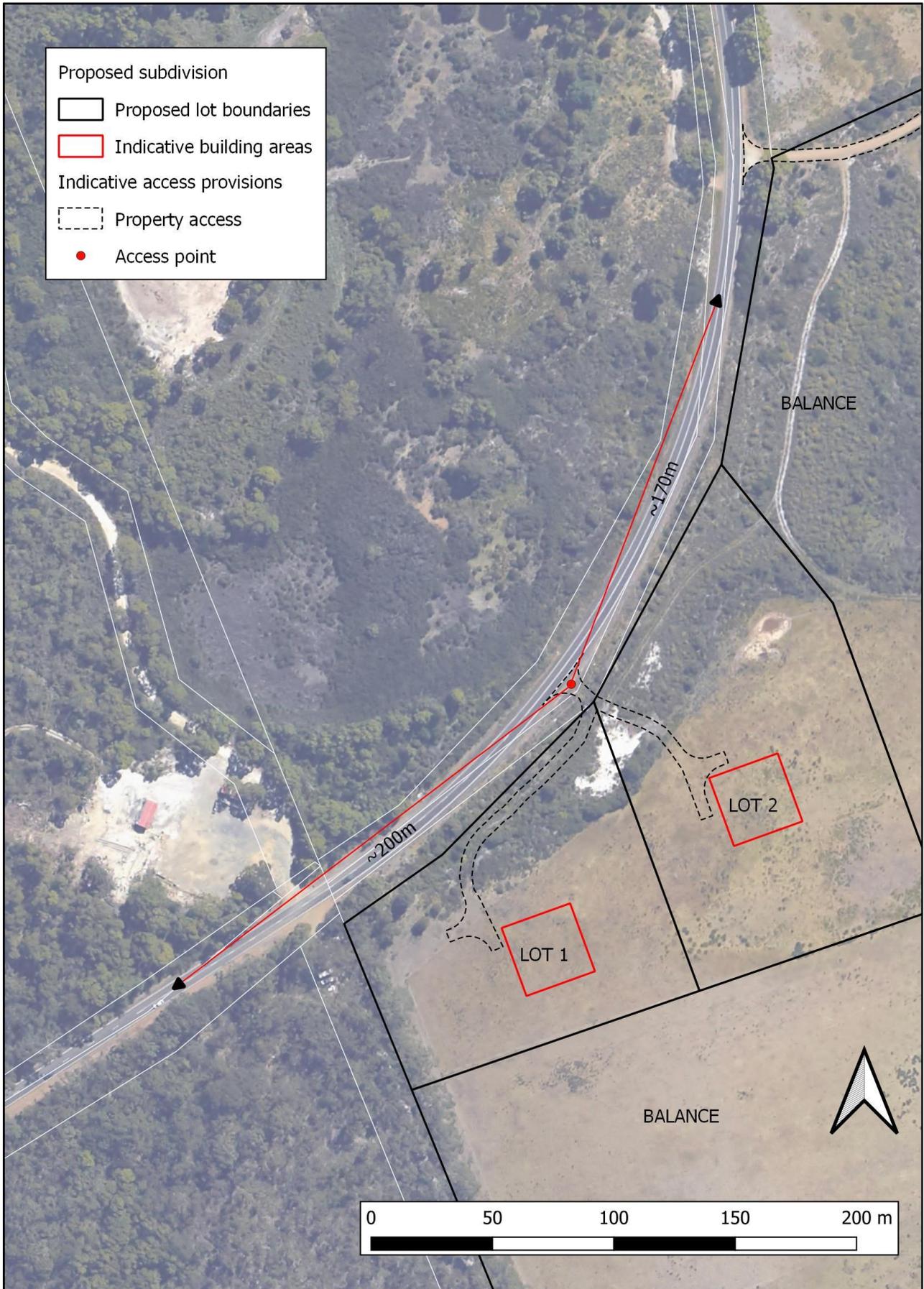


Figure 4. Indicative plan of available sight distances at access point to service Lot 1 and Lot 2



Figure 5. Indicative photo of available sight distance north of the proposed access point to service Lot 1 and Lot 2



Figure 6. Indicative photo of available sight distance south of the proposed access point to service Lot 1 and Lot 2

E6.7.2 Design of Vehicular Accesses

A1 The proposed domestic property access to service Lot 1 and Lot 2 is capable of complying with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 *Parking Facilities Part 1: Off-street car parking* in respect of its location, sight distances, widths and gradients. As outlined above, all locations can achieve sight distances that exceed the requirements of AS/NZS 2890.1:2004.

E6.7.3 Vehicular Passing Areas along an Access

P1 In the context of the site and the proposed lot sizes, passing bays are unlikely to be required except to facilitate access for fire-fighting appliances. Vehicular passing bays will be provided at appropriate locations in accordance with any recommendations under the attached *Bushfire Hazard Management Plan*.

E6.7.4 On-Site Turning

A1 All lots are capable of supporting on-site turning arrangements that allow vehicles to exit access points in a forward direction.

E7.0 Stormwater Management Code

E7.7.1 Stormwater Drainage and Disposal

Roads and Property Accesses

A1 Stormwater runoff from the proposed property access to service Lot 1 and Lot 2 will be collected in roadside drains and disposed of either by gravity to existing table drains along Bruny Island Main Rd or within the lots themselves. There is sufficient area available on all lots for stormwater associated with drainage from property accesses to be either disposed of on-site (a) or collected for re-use on the site (b).

Future Residential use

P1 There is sufficient area available on both Lot 1 and Lot 2 for stormwater associated with future residential use of the lots to be either disposed of on-site (a) or collected for re-use on the site (b).

E10.0 Biodiversity Code

The whole property is subject to the *Biodiversity Protection Area Overlay. A Natural Values Assessment* has been commissioned (see Annexure 8) which addresses both the subject land (the Vinkman property) and the property to the south which is also proposed to be re-zoned to Environmental Living (the Elliston property).

To avoid or minimise impacts on natural values, indicative building areas for Lot 1 and Lot 2 have been located within exotic pasture corresponding to agricultural, urban and exotic vegetation (FAG) under TASVEG4.0. There are no trees within indicative building areas and no trees need to be removed for construction of property access or provision of hazard management areas.

Native vegetation affected by the proposal

The only native vegetation impacted by the proposal is a weedy area of coastal scrub (SSC) between Bruny Island Main Rd and the paddocks containing the indicative building areas. This vegetation contains a serious infestation of Spanish heath (*Erica lusitanica*) and qualifies as a Low Priority Biodiversity Value pursuant to Table E10.1. It will be unavoidably impacted by construction of property access to Lot 1 and Lot 2 but should not be directly impacted by future building or bushfire hazard management works. There are existing vehicle tracks through this vegetation and impacts could be minimised to some extent by following the alignment of existing tracks.



Figure 7. Weedy coastal scrub (SSC) at the proposed access point to service Lot 1 and Lot 2



Figure 8. Typical weedy coastal scrub (SSC) that will be impacted by construction of property access to service Lot 1 and Lot 2



Figure 9. Exotic pasture containing indicative building area on Lot 1 (looking north from southern boundary)

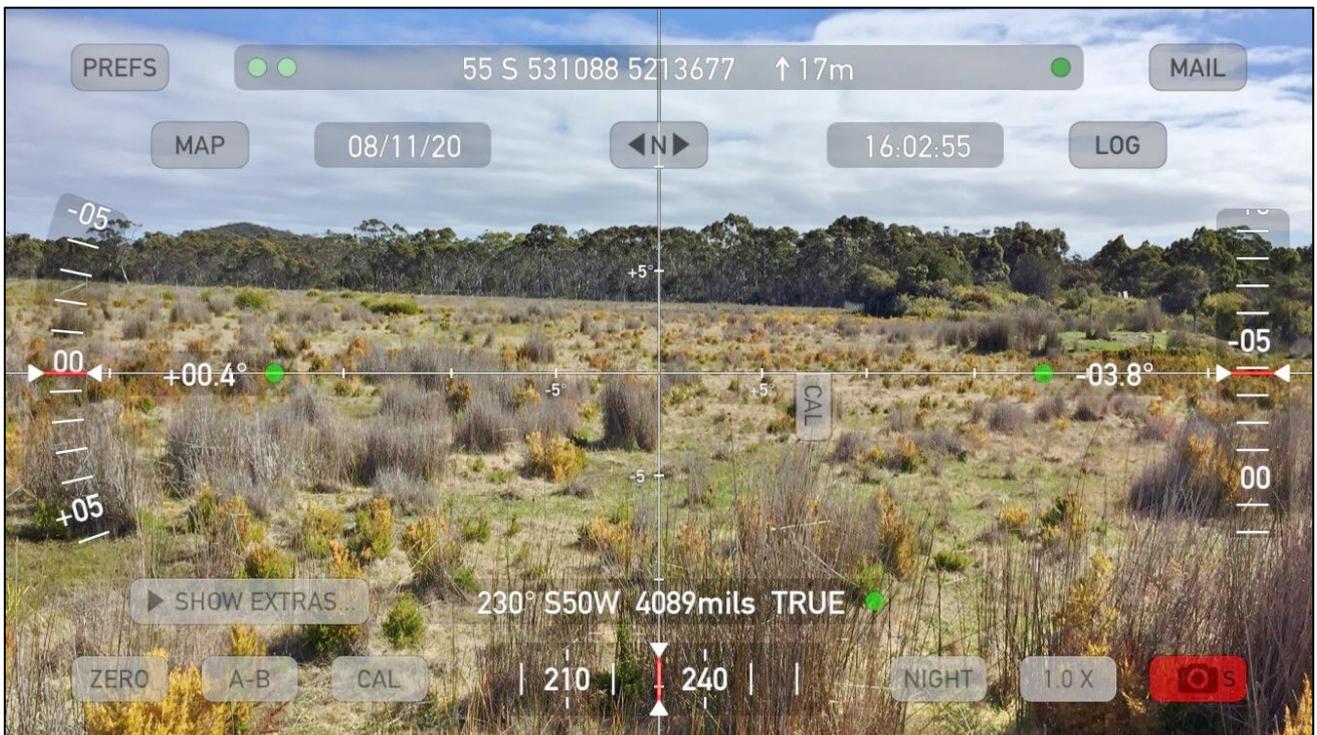


Figure 10. Exotic pasture containing indicative building area on Lot 2 (looking south from Balance lot)

- P1** Clearance and conversion or disturbance must satisfy the following:
- (a) if low priority biodiversity values:
 - (i) subdivision works have been designed and located to minimise impacts by creating a shared access, restricting potential works to a narrow, weedy strip of regrowth scrub and utilising existing vehicle tracks through this scrub where practicable,
 - (ii) n/a – building areas and hazard management areas can be contained within areas of exotic pasture.

E11.0 Waterway and Coastal Protection Code

While parts of the subject land are affected by the *Waterway and Coastal Protection Area* overlay, none of these areas are materially affected by the proposal.

E23.0 On-site Wastewater Management Code

There is sufficient area available on all lots for wastewater associated with future use of the lots to be managed on-site.

E23.9.1 Development Standards for New Lots

- A1** All lots are >5000m² in area.
- A2** Subdivision is not prohibited by the relevant zone standards.

E23.9.2 Development Standards for New Boundaries

Not applicable – there are no existing land application areas in the vicinity of new boundaries.

8. Conclusion

The application is considered to demonstrate compliance and consistency with the requirements and the considerations of the State's Land Use Planning system. On this basis, it is appropriate that the amendment to rezone the site to *Environmental Living* and to undertake a three-lot subdivision be approved.