

Part D

Zones

14.0 Environmental Living Zone

14.1 Zone Purpose

14.1.1 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.

14.1.1.4 To protect the privacy and seclusion that residents of this zone enjoy.

14.1.1.5 To provide for limited community, tourism and recreational uses that do not impact on natural values or residential amenity.

14.1.1.6 To encourage passive recreational opportunities through the inclusion of pedestrian, cycling and horse trail linkages.

14.1.1.7 To avoid land use conflict with adjacent Rural Resource or Significant Agriculture zoned land by providing for adequate buffer areas.

14.1.2 Local Area Objectives

Local Area Objectives	Implementation Strategy
There are no Local Area Objectives for this Zone.	

14.1.3 Desired Future Character Statements

Desired Future Character Statements	Implementation Strategy
There are no Desired Future Character Statements for this Zone.	

14.2 Use Table

No Permit Required	
Use Class	Qualification
Educational and occasional care	Only if for home-based child care in accordance with a licence under the <i>Child Care Act 2001</i>
Natural and cultural values management	
Passive recreation	
Utilities	Only if minor utilities and located underground
Permitted	
Use Class	Qualification
Residential	Only if single dwelling or home-based business
Visitor accommodation	
Discretionary	
Use Class	Qualification
Community meeting and entertainment	Only if church, art and craft centre or public hall
Emergency services	Only if a fire station
Food services	Only if a restaurant or cafe associated with a tourist use or a Visitor accommodation use class at 1005 Adventure Bay Road, Adventure Bay (CT 143862/10) or associated with a tourist use at 1565 Channel Highway, Margate (CT 134382/1)
Resource Development	Only if agricultural use or crop production on predominantly cleared land
Sports and recreation	
Tourist operation	Only if booking office or visitor centre at 1005 Adventure Bay Road, Adventure Bay (CT 143862/10) or at 1565 Channel Highway, Margate (CT 134382/1).
Utilities	Except if No Permit Required.

Prohibited	
Use Class	Qualification
All other uses	

14.3 Use Standards

14.3.1 Non-Residential Use

Objective:	
To ensure that non-residential use does not unreasonably impact residential amenity.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Hours of operation must be within:</p> <p>(a) 8.00 am to 6.00 pm Mondays to Fridays inclusive;</p> <p>(b) 9.00 am to 12.00 noon Saturdays;</p> <p>(c) nil Sundays and Public Holidays;</p> <p>except for office and administrative tasks or visitor accommodation.</p>	<p>P1</p> <p>Hours of operation must not have an unreasonable impact upon the residential amenity through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.</p>
<p>A2</p> <p>Noise emissions measured at the boundary of the site must not exceed the following:</p> <p>(a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;</p> <p>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am;</p> <p>(c) 65dB(A) (LAm_{ax}) at any time.</p>	<p>P2</p> <p>Noise emissions measured at the boundary of the site must not cause environmental harm.</p>

14.3.2 Visitor Accommodation

Objective:	
To ensure visitor accommodation is of a scale that accords with the bushland character and use of the area.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Visitor accommodation must comply with all of the following:</p> <ul style="list-style-type: none"> (a) is accommodated in existing buildings; (b) provides for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site; (c) has a floor area of no more than 160m². 	<p>P1</p> <p>Visitor accommodation must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) not adversely impact residential amenity and privacy of adjoining properties; (b) provide for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site; (c) be of an intensity that respects the character of use of the area; (d) not adversely impact the safety and efficiency of the local road network or disadvantage owners and users of private rights of way.

14.4 Development Standards for Buildings and Works

14.4.1 Building Height

Objective:	
To ensure that building height contributes positively to the landscape character and does not result in unreasonable impact on residential amenity of adjoining land.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Building height must not be more than:</p> <p style="padding-left: 40px;">7.5 m.</p>	<p>P1</p> <p>Building height must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape of the area;

	<p>(b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</p> <ul style="list-style-type: none"> (i) overlooking and loss of privacy; (ii) visual impact when viewed from adjoining lots, due to bulk and height; <p>(c) be reasonably necessary due to the slope of the site;</p> <p>(d) be no more than 8.5 m.</p>
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14.4.2 Setback

Objective:	
To maintain desirable characteristics of the landscape, protect amenity of adjoining lots, avoid land use conflict and fettering of use on adjoining rural land and protect environmental values on adjoining land zoned Environmental Management.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Building setback from frontage must be no less than:</p> <p style="padding-left: 40px;">30 m.</p>	<p>P1</p> <p>Building setback from frontages must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the prevailing setbacks of existing buildings on nearby lots; (c) the size and shape of the site; (d) the location of existing buildings on the site; (e) the proposed colours and external materials of the building; (f) the visual impact of the building when viewed from an adjoining road; (g) retention of vegetation.
<p>A2</p> <p>Building setback from side and rear boundaries must be no less than:</p>	<p>P2</p> <p>Building setback from side and rear boundaries must maintain the desirable characteristics of</p>

30 m.	<p>the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the size and shape of the site; (c) the location of existing buildings on the site; (d) the proposed colours and external materials of the building; (e) visual impact on skylines and prominent ridgelines; (f) impact on native vegetation; (g) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by: <ul style="list-style-type: none"> (i) overlooking and loss of privacy; (ii) visual impact, when viewed from adjoining lots, through building bulk and massing.
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14.4.3 Design

Objective:	
To ensure that the location and appearance of buildings and works minimises adverse impact on natural values and on the landscape.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The location of buildings and works must comply with any of the following:</p> <ul style="list-style-type: none"> (a) be located within a building area, if provided on the title; (b) be an addition or alteration to an existing building; (c) be located on a site that does not require the clearing of native vegetation and is not on a skyline or ridgeline. 	<p>P1</p> <p>The location of buildings and works must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) be located in an area requiring the clearing of native vegetation only if: <ul style="list-style-type: none"> (i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope;

	<ul style="list-style-type: none"> (ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures; (iii) the location of clearing has the least environmental impact; <p>(b) be located on a skyline or ridgeline only if:</p> <ul style="list-style-type: none"> (i) there are no other sites suitable for development due to access difficulties or excessive slope; (ii) there is no significant impact on the rural landscape; (iii) building height is minimised; (iv) any screening vegetation is maintained. <p>(c) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape.</p>
<p>A2</p> <p>Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.</p>	<p>P2</p> <p>Exterior building surfaces must avoid adverse impacts on the visual amenity of neighbouring land and detracting from the contribution the site makes to the landscape, views and vistas.</p>
<p>A3</p> <p>The combined gross floor area of buildings must be no more than:</p> <p style="padding-left: 40px;">300 m².</p>	<p>P3</p> <p>The combined gross floor area of buildings must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) there is no unreasonable impact on natural values; (b) there is no unreasonable impact on the landscape; (c) buildings are consistent with the domestic scale of dwellings on the site or in close visual proximity; (d) be consistent with any Desired Future Character Statements provided for the area;

<p>A4</p> <p>Fill and excavation must comply with all of the following:</p> <p>(a) height of fill and depth of excavation is no more than 1 m from natural ground level, except where required for building foundations;</p> <p>(b) extent is limited to the area required for the construction of buildings and vehicular access.</p>	<p>P4</p> <p>Fill and excavation must satisfy all of the following:</p> <p>(a) there is no unreasonable impact on natural values;</p> <p>(b) does not detract from the landscape character of the area;</p> <p>(c) does not unreasonably impact upon the privacy of adjoining properties;</p> <p>(d) does not affect land stability on the lot or adjoining land.</p>
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14.4.4 Outbuildings

Objective:	
To ensure that the size and number of outbuildings does not detract from the amenity of the area and does not visually dominate an associated dwelling.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Outbuildings (including garages and carports not incorporated within the dwelling) must comply with all of the following:</p> <p>(a) have a combined floor area no more than 80 m²;</p> <p>(b) have a wall height no more than 5.5 m and a building height not more than 6.5 m;</p> <p>(c) have setback from frontage no less than that of the existing or proposed dwelling on the site.</p>	<p>P1</p> <p>Outbuildings (including garages and carports not incorporated within the dwelling) must be designed and located to satisfy all of the following:</p> <p>(a) be less visually prominent than the existing or proposed dwelling on the site;</p> <p>(b) be consistent with the scale of outbuildings on the site or in close visual proximity</p> <p>(c) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape.</p>

14.4.5 Environmental Values

Objective:	
To ensure development maintains and enhances environmental values.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Development must be located within a building area on a plan of subdivision.</p>	<p>P1</p> <p>The application is accompanied by an environmental management plan for the whole site, setting out measures to be put in place to protect flora and fauna habitats, riparian areas, any environmental values identified as part of a site analysis, and identify measures to be used to mitigate and offset adverse environmental impacts.</p>

14.5 Development Standards for Subdivision

14.5.1 Lot Design

Objective:	
<p>To provide for new lots that:</p> <p>(a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;</p> <p>(b) contain 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;</p> <p>(c) are not internal lots, except if the only reasonable way to provide for infill development in existing subdivided areas.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a proposed lot in a plan of subdivision, must be for public open space, a riparian or littoral reserve, or a Utilities, Emergency services, or Community meeting and entertainment use class, by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority.</p>	<p>P1</p> <p>Each lot, or a proposed lot in a plan of subdivision, excluding for public open space, riparian or littoral reserve or utilities, must satisfy the following:</p>

	<p>(a) the number of lots is no more than 1 lot per 10ha, or 1 lot per 20ha on Bruny Island; except for:</p> <ul style="list-style-type: none"> (i) 3 Sawdust Road, Adventure Bay (CT 54720/9); (ii) Lot 200 Bonnie Vale Drive, Howden (CT 162233/200); and (iii) 50 Rada Road, Kettering (CT 102793/2 & 105924/1); (iv) 367 Brightwater Road, Howden (CT62191/1); (v) 105 Ferry Road, Kettering (CT 239256/1); (vi) Lot 3 Channel Highway, Kingston (folio of the Register 249340/3); <p>where the minimum lot size is determined as the entire portion of the land in this zone;</p> <p>(b) lots are clustered so that their building areas are in proximity to each other thereby reducing overall impact on natural values;</p> <p>(c) a net conservation benefit is provided through mechanisms on titles for collective responsibility and management of natural values on private land outside those areas required for building areas, private open space and bushfire protection measures;</p> <p>(d) mechanisms on large titles, with nominal future subdivision potential under A1, prevent further subdivision.</p>
<p>A2</p> <p>The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities;</p> <p>(a) clear of the frontage, side and rear boundary setbacks;</p>	<p>P2</p> <p>The design of each lot must contain a building area able to satisfy all of the following:</p> <ul style="list-style-type: none"> (a) is reasonably capable of accommodating residential use and development; (b) meets any applicable standards in codes in this planning scheme;

<p>(b) not subject to any codes in this planning scheme;</p> <p>(c) clear of title restrictions such as easements and restrictive covenants;</p> <p>(d) has an average slope of no more than 1 in 5;</p> <p>(e) is a minimum of 30 m x 30 m in size.</p>	<p>(c) enables future development to achieve reasonable solar access, given the slope and aspect of the land;</p> <p>(d) minimises the requirement for earth works, retaining walls, and cut & fill associated with future development;</p> <p>(e) is located to minimise environmental impacts.</p> <p>(f) does not impact on native vegetation subject to any codes in this planning scheme.</p>
<p>A3</p> <p>The frontage for each lot must be no less than the following, except if for public open space, a riparian or littoral reserve or utilities and except if an internal lot:</p> <p>40 m.</p>	<p>P3</p> <p>The frontage of each lot must provide opportunity for reasonable vehicular and pedestrian access and must be no less than:</p> <p>6m.</p>
<p>A4</p> <p>No lot is an internal lot. ^[R1]</p>	<p>P4</p> <p>An internal lot must satisfy all of the following:</p> <p>(a) access is from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;</p> <p>(b) it is not reasonably possible to provide a new road to create a standard frontage lot;</p> <p>(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;</p> <p>(d) the lot will contribute to the more efficient utilisation of environmental living land;</p> <p>(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</p> <p>(f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</p>

	<ul style="list-style-type: none"> (g) passing bays are provided at appropriate distances along the access strip to service the likely future use of the lot; (h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road; (i) a sealed driveway is provided on the access strip prior to the sealing of the final plan. (j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.
<p>A5</p> <p>Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.</p>	<p>P5</p> <p>Setback from a new boundary for an existing building must satisfy the relevant Performance Criteria for setback.</p>

Footnotes

[R1] Generally, new internal lots are not appropriate and any subdivisions in which new roads are constructed are not to include internal lots.

They should only be contemplated in existing developed areas (in order to make more efficient use of previously poorly subdivided land).

They may also be appropriate if fronting certain forms of public open space instead of a public road. Such arrangements may be designed into an area through the development of a Specific Area Plan.

14.5.2 Roads

Objective:	
To ensure that the arrangement of new roads within a subdivision provides for all of the following:	
<ul style="list-style-type: none"> (a) the provision of safe, convenient and efficient connections to assist accessibility and mobility of the community; (b) the adequate accommodation of vehicular, pedestrian and cycling traffic; (c) the efficient ultimate subdivision of the entirety of the land and of neighbouring land. 	
Acceptable Solutions	Performance Criteria

<p>A1</p> <p>The subdivision includes no new road.</p>	<p>P1</p> <p>The arrangement and construction of roads within a subdivision must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised; (b) the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority; (c) the subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian paths, where appropriate, to common boundaries; (d) an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy; (e) cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum; (f) internal lots are not created; (g) connectivity with the neighbourhood road network is maximised; (h) multiple escape routes are provided if in a bushfire prone area; (i) be designed, located and constructed to minimise adverse impacts on environmental values.
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14.5.3 Ways and Public Open Space

<p>Objective:</p>
<p>To ensure that the arrangement of ways and public open space provides for all of the following:</p> <ul style="list-style-type: none"> (a) the provision of safe, convenient and efficient connections for accessibility, mobility and recreational opportunities for the community; (b) the adequate accommodation of pedestrian and cycling traffic;

(c) the adequate accommodation of equestrian traffic.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1</p> <p>The arrangement of ways and public open space within a subdivision must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate; (b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate; (c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate; (d) topographical and other physical conditions of the site are appropriately accommodated in the design; (e) the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority; (f) the route of new equestrian ways has regard to any equestrian trail plan adopted by the Planning Authority.
<p>A2</p> <p>No Acceptable Solution.</p>	<p>P2</p> <p>Public Open Space must be provided as land or cash in lieu, in accordance with the Kingborough Public Open Space Contribution Policy, Policy 6.3, November 2021.</p>

14.5.4 Services

Objective:
To ensure that the subdivision of land provides adequate services to meet the projected needs of future development.

Acceptable Solutions	Performance Criteria
A1 It is not necessary to connect a lot to a reticulated potable water supply. ^{R1}	P1 No Performance Criteria.
A2 No Acceptable Solution. ^{R1}	P2 Each lot must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.
A3 Each lot must be connected to a stormwater system able to service the building area by gravity. ^{R2}	P3 Each lot must be capable of accommodating an on-site stormwater management system adequate for the likely future use and development of the land.

14.5.4.R1 The Water and Sewer Corporation governs specific details separately to the planning scheme.

14.5.4.R2 The Stormwater Management Code governs specific details.

Table 14.1 Minimum Lot Size

Environmental Living Zone	Minimum Lot Size	Area defined by map overlay?
This Table is not used in this planning scheme		