

Land Use Planning and Approvals Act 1993 (the Act)

Notice under section 35B(4B) and (4C) Local Provisions Schedule Criteria Outstanding Issues Notice

This Notice, in relation to the Kingborough draft Local Provisions Schedule (LPS), sets out the further information that the Tasmanian Planning Commission needs from the Kingborough Planning Authority in order to be of the opinion that the draft LPS meets the LPS criteria under section 34(2) of the *Land Use Planning and Approvals Act 1993* (the Act).

The Commission is not satisfied that six of the proposed provisions of the draft Bruny Island Specific Area Plan (draft SAP) meet LPS Criterion (c) in section 34(2) of the Act.

The requirement in section 34(2)(c) is to further the objectives set in Schedule 1 of the Act. Objective 1(b) is to provide for fair, orderly and sustainable use and development of land and Objective 1(c) encourages public involvement in resource management and planning.

The Commission is of the view that the approach to natural values within the draft SAP does not further these objectives because of:

- the complexity of the definition of 'natural values' in clause S6.4 Definition of Terms;
- the absence of definitions of various terms; and
- the lack of publicly available information to understand the requirements of the standards in the draft SAP.

The term 'natural values' is defined in clause S6.4.1 of the draft SAP. The definition of 'natural values' contains eight elements. Natural values means:

- (a) individual native trees with a diameter >25cm;
 - (b) native vegetation communities, including but not limited to bioregionally and threatened native vegetation communities;
 - (c) threatened flora species;
 - (d) threatened fauna species;
 - (e) locally significant flora or fauna species;
 - (f) potential habitat for a threatened or locally significant flora or fauna species;
 - (g) significant habitat for a threatened fauna species; and
 - (h) sites of geoconservation significance.
- (i) Elements (b) – (h) are further defined in six separate definitions in clause 6.4.1.

Natural values are required to be considered in assessment decision making in six of the draft SAP standards. Those standards are:

- KIN-S6.6.2 - Waste water management;
- KIN-S6.7.1 - Residential density for multiple dwellings in the Low Density Residential Zone;
- KIN-S6.7.5 - On-site waste water management;

- KIN-S6.7.6 - Retention and management of Natural Values on Bruny Island;
- KIN-S6.8.1 - Lot design in the Low Density Residential Zone; and
- KIN-S6.8.2 - Bruny Island natural values retention, management and lot design.

The information required to satisfy this outstanding issues notice is detailed below.

DEFINITIONS - KIN-S6.4.1

As appropriate, and by reference to the relevant definition, information is to be provided to:

- further elaborate the content of the following definitions:
 - bioregionally threatened native vegetation community;
 - indirect impacts;
 - locally significant flora or fauna species
 - native vegetation community;
 - potential habitat;
 - significant habitat; and
 - substantially detract from;
- identify the reference sources on which elements of the definitions are based;
- identify the basis and processes followed to establish identified listed species;
- outline the available information sources and processes to be followed to make future determinations;
- detail how any future determinations will be published and accessible; and
- detail how the above information may be incorporated into the draft SAP.

In addition to the above natural values matters, further information is required on a number of other standards in order to understand the application of the draft SAP.

LOCAL AREA OBJECTIVES - KIN-S6.3.1

In the absence of any identified local areas:

- justify the inclusion of local area objectives; and
- provide a revised draft SAP Purpose that incorporates any relevant local area objectives.

USE STANDARDS

Discretionary Uses - KIN-S6.6.1

- Prepare a use standard that does not rely on Local Area Objectives and specifies the matters to which regard may be had to make a discretionary use decision.

Waste water management - KIN-S6.6.2

- provide a reference to the Council's trade waste substance strength acceptance criteria;

- provide a reference to the Water Utility Operator trade waste substance strength acceptance criteria; and
- add the documents to the Applied, Adopted or Incorporated Documents list.

DEVELOPMENT STANDARDS

Retention and management of Natural Values on Bruny Island - KIN-S6.7.6

With regard to the term 'mitigation hierarchy':

- define 'mitigation hierarchy';
- include a reference to any relevant document; and
- add the documents to the Applied, Adopted or Incorporated Documents list.

Appropriate compliance with this Notice will be essential to the Commission being satisfied under section 35L of the Act that the draft LPS meets the LPS criteria in section 34(2).

This notice is one of the relevant exhibition documents for the draft LPS as required by section 35B(4A)(b) of the Act.



Rohan Probert

Delegate

Date: 18 September 2024

Attachments

Attachment 1: Draft KIN-S6.0 Bruny Island Specific Area Plan

Attachment 1 - KIN-S6.0 Bruny Island Specific Area Plan

KIN-S6.1 Plan Purpose

The purpose of the Bruny Island Plan is:

- KIN-S6.1.1 To encourage use and development that protects and enhances the character of Bruny Island, which is unique for its mix of natural values, agricultural and aquacultural production, recreational destination, cultural significance, and a limited population contained within a relatively small island.
- KIN-S6.1.2 To provide for use and development consistent with the purpose of the underlying zone in a manner that that complements the character and maintains and protects the significant natural values of Bruny Island.
- KIN-S6.1.3 To encourage use and development that supports Bruny Island as a low-key tourism destination.
- KIN-S6.1.4 To provide for uses and development at a density that can be accommodated by the limited infrastructure and services available in the area.
- KIN-S6.1.5 To provide the ability to subdivide land, at a density appropriate to the natural values, infrastructure and service constraints that exist in the area.
- KIN-S6.1.6 To ensure that where on-site waste management is required, lots have sufficient land available for on-site waste management.
- KIN-S6.1.7 To manage stormwater quality and quantity to protect natural values, infrastructure and property.
- KIN-S6.1.8 To minimise the collision risk to threatened bird species through the appropriate design of development.

KIN-S6.2 Application of this Plan

- KIN-S6.2.1 The specific area plan applies to the area of land designated as KIN-S6.0 Bruny Island Specific Area Plan on the overlay maps and in Figure KIN-S6.1.
- KIN-S6.2.2 In the area of land this plan applies to, the provisions of the specific area plan are in substitution for, and in addition to, the provisions of:
 - (a) Low Density Residential Zone;
 - (b) Rural Living Zone;
 - (c) Village Zone;
 - (d) Rural Zone;
 - (e) Landscape Conservation Zone;
 - (f) Environmental Management Zone;
 - (g) Agriculture Zone;
 - (h) Community Purpose Zone; and
 - (i) Natural Assets Code,as specified in the relevant provision.
- KIN-S6.2.3 In the area of land this plan applies to, in addition to any other application requirements, the planning authority may require any of the following information to determine compliance with the use and development standards:
 - (a) a Natural Values Assessment by a suitably qualified person for buildings and works or subdivision to quantify the impacts of a development and identify management and

protection mechanisms which ensure the retention and appropriate management of natural values;

- (b) an Arboriculture Assessment by a suitably qualified arborist (Certificate V or equivalent and qualified in tree risk assessment) for buildings or works within the tree protection zones of trees within the Bruny Island Vegetation Management Area;
- (c) a collision risk assessment by a suitably qualified person to ascertain the potential risk of buildings and structures and identify appropriate mitigation measures, including design changes;
- (d) a Bushfire Attack Level (BAL) Assessment and accompanying Bushfire Hazard Management Plan by an accredited bushfire practitioner to reduce the risk associated with bushfires through appropriate siting and design of buildings; and
- (e) a photo or design montage to be able to assess the visual impacts of new development in relation to height and visual appearance from within or outside the site.

KIN-S6.3 Local Area Objectives

KIN-S6.3.1 Local Area Objectives

Sub-clause	Area Description	Local Area Objectives
KIN-S6.3.1.1	Bruny Island, shown on an overlay map as KIN-S6.3.1.1	The local area objectives for Bruny Island are to: <ul style="list-style-type: none"> (a) maintain the low density settlement pattern; (b) encourage low-key tourism activities; (c) facilitate continued rural and agricultural practices; (d) enable uses at a density that can be accommodated by limited infrastructure and services; and (e) support use and development that respects the natural values on the island.

KIN-S6.4 Definition of Terms

KIN-S6.4.1 In this Specific Area Plan, unless the contrary intention appears:

Terms	Definition
artisan food and drink industry	means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following: <ul style="list-style-type: none"> (a) a retail area for the sale of products, (b) a restaurant or café, (c) facilities for holding tastings, tours or workshops.
bioregionally threatened native vegetation community	means native vegetation communities with: <ul style="list-style-type: none"> • a distribution on a bioregional basis having contracted to less than 10% of its former area; • a total area on a bio-regional basis generally being less than 1,000 ha; or • approaching a reduction in areal extent of 70% within a bioregional context.
bold or bright colours	means primary and secondary colours that do not recede into the landscape or have a high reflectivity.

Bruny Island Natural Values Area	means: (a) land shown on an overlay map and in Figure KIN-S6.2; or (b) land identified in a report that is lodged with an application or required in response to a request under section 54 of the Act as containing natural values.
coastal proximity	means where a lot: (a) has direct frontage to high or low water mark; (b) abuts a conservation area or public reserve on the coast; or (c) fronts a road, that had it not existed, would have resulted in either (a) or (b) being met.
direct impacts	means impacts arising from clearing or removing native vegetation or collision with structures.
indirect impacts	means impacts arising from disturbance to natural values, including but not limited to burning, drowning, ploughing, poisoning, ringbarking, injuring, thinning or uprooting native vegetation, encroachment into tree protection zones, and disturbance to breeding cycles of locally significant or threatened fauna species.
intensification	means a substantial and ongoing increase in the number of persons occupying, or capable of occupying, a dwelling or the number of persons visiting or working at a business premises.
land application area	means an area of land used to apply effluent from a waste water treatment unit and reserved for future waste water application.
locally significant flora or fauna species	means species that are not listed as threatened species but are of conservation significance on Bruny Island, including species identified as requiring some form of protection or further research, non-listed species identified as poorly reserved in Tasmania, type localities, and edge-of-range populations. Examples include migratory birds and other fauna of high conservation significance. ¹
native vegetation community	means any indigenous plant community containing throughout its growth, the complement of native species and habitats normally associated with that vegetation type, or having the potential to develop these characteristics in the medium term (~50 years), including: (a) vegetation with these characteristics that has been regenerated with human assistance following disturbance; (b) seral stages and disclimax communities; and (c) all TASVEG mapping communities, excluding those vegetation communities within the categories of modified land or other natural environments.
natural values	means: (j) individual native trees with a diameter more than 25cm; (k) native vegetation communities, including but not limited to bioregionally and threatened native vegetation communities; (l) threatened flora species; (m) threatened fauna species; (n) locally significant flora or fauna species; (o) potential habitat for a threatened or locally significant flora or fauna species;

¹ Part 1 of Managing Threatened Species & Communities on Bruny Island, NRE, September 2003

	<p>(p) significant habitat for a threatened fauna species; (q) sites of geoconservation significance.</p>
offset	<p>means measures, implemented in accordance with <i>Kingborough Biodiversity Offset Policy 6.10, November 2023</i> that compensate for the residual adverse impacts of an action on the environment, when alternatives and options to avoid those impacts have been exhausted and it is still considered desirable for other economic, social, or environmental reasons for the action to proceed.</p>
potential habitat	<p>means all habitat types within the potential range of a species that are likely to support that species in the short and / or long term. It may not include habitats known to be occupied intermittently (e.g. occasional foraging habitat only). Potential habitat is determined from:</p> <p>(a) published and unpublished scientific literature; (b) expert opinion; and / or (c) agreement by the Threatened Species Section in consultation with species' specialists.</p>
significant habitat	<p>means habitat within the known or core range of a species that:</p> <p>(a) is known to be of high priority for the maintenance of breeding populations throughout the species' range; and/or (b) conversion of which to non-native vegetation is considered to result in a long-term negative impact on breeding populations of the species.</p> <p>It may include areas that do not currently support breeding populations of the species but that need to be maintained to ensure the long-term future of the species. Significant habitat is determined from:</p> <p>(a) published and unpublished scientific literature; (b) expert opinion; and/or (c) agreement by the Threatened Species Section in consultation with species' specialists.</p>
sites of geoconservation significance	<p>means a site listed on the Tasmanian Geoconservation Database, which is shown as a map-based tool available on the Tasmanian Government's LISTmap.</p>
substantially detract from	<p>means direct and indirect impacts on a natural value have significant and/or unacceptable consequences for the viability of the value in the vicinity, including breeding and/or persistence in the landscape. Factors that may be considered include: the quality of the habitat or vegetation; the requirements of the value relative to the scale of the impact; the current conservation status and impacts on this from the development; the presence/absence of the species in an area; the importance of the area for the connectivity; and the extent to which the impacts may be offset through improved conservation measures within the immediate range of the affected value.</p>
suitably qualified person (onsite waste water management)	<p>means a person who can adequately demonstrate relevant tertiary qualifications (or equivalent) and experience, knowledge, expertise or practice in undertaking on-site waste water management system design in accordance with AS/NZS 1547.</p>

threatened native vegetation community	Forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the <i>Nature Conservation Act 2002</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
threatened species	Means a species listed under the <i>Threatened Species Protection Act 1995 (TSPA)</i> and/or the <i>Environment Protection & Biodiversity Conservation Act 1999 (EPBCA)</i> .
tree protection zone	means the combined root area and crown area requiring protection and isolation from disturbance so that the tree remains viable. The radius of the tree protection zone is calculated by multiplying the diameter of the tree at 1.4m from natural ground level by 12.

KIN-S6.5 Use Table

KIN-S6.5.1 Use Table for land in the Low Density Residential Zone

This clause is in substitution for Low Density Residential Zone – clause 10.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Residential	If for a single dwelling.
Utilities	If for minor utilities.
Permitted	
Visitor Accommodation	
Residential	If for a home-based business.
Discretionary	
Business and Professional Services	If for a consulting room, medical centre, veterinary centre, child health clinic or for the provision of residential support services.
Community Meeting and Entertainment	If for a place of worship, art and craft centre or public hall.
Educational and Occasional Care	If not for a tertiary institution.

Emergency Services	
Food Services	If: (a) for artisan food and drink industry; and (b) not for a take away food premises with a drive through facility.
General Retail and Hire	If: (a) for artisan food and drink industry; or (b) for a local shop.
Residential	If not listed as No Permit Required or Permitted.
Tourist Operation	
Prohibited	
All other uses	

KIN-S6.5.2 Use Table for land in the Rural Living Zone

This clause is in substitution for Rural Living Zone – clause 11.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Residential	If for a single dwelling.
Resource Development	If for grazing on existing cleared land.
Utilities	If for minor utilities.
Permitted	
Residential	If for a home-based business.
Visitor Accommodation	

Discretionary	
Business and Professional Services	If for a veterinary centre.
Community Meeting and Entertainment	If for a place of worship, art and craft centre or public hall.
Domestic Animal Breeding, Boarding or Training	
Education and Occasional Care	If for a childcare centre or primary school.
Emergency Services	
Food Services	If: (a) for a gross floor area of not more than 200m ² ; or (b) for artisan food and drink industry.
General Retail and Hire	If for: (a) primary produce sales; (b) sales related to Resource Development; (c) a local shop; or (d) artisan food and drink industry.
Manufacturing and Processing	If for alterations or extensions to existing Manufacturing and Processing.
Resource Development	If: (a) not for intensive animal husbandry or plantation forestry; or (b) not listed as No Permit Required.
Resource Processing	If not for an abattoir, animal saleyards or sawmilling.
Sports and Recreation	If for an outdoor recreation facility.
Tourist Operation	
Utilities	If not listed as No Permit Required.
Vehicle Fuel Sales and Service	
Prohibited	
All other uses	

KIN-S6.5.3 Use Table for land in the Village Zone

This clause is in substitution for Village Zone – clause 11.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Residential	If for a single dwelling or home-based business.
Utilities	If for minor utilities.
Permitted	
Business and Professional Services	
Community Meeting and Entertainment	
Educational and Occasional Care	
Emergency Services	
Food Services	
General Retail and Hire	
Residential	If not listed as No Permit Required.
Service Industry	If not for motor repairs or panel beating.
Sports and Recreation	
Visitor Accommodation	
Discretionary	
Bulky Goods Sales	

Crematoria and Cemeteries	If for a cemetery.
Custodial Facility	If for a remand centre.
Domestic Animal Breeding, Boarding or Training	
Equipment and Machinery Sales and Hire	
Food Services	If for artisan food and drink industry.
General Retail and Hire	If for artisan food and drink industry.
Hotel Industry	
Manufacturing and Processing	If for: (a) a craft industry or an artist's studio; or (b) alterations or extensions to existing Manufacturing and Processing.
Pleasure Boat Facility	
Research and Development	
Resource Processing	If not for an abattoir, animal saleyards or sawmilling.
Service Industry	If not listed as Permitted.
Tourist Operation	
Transport Depot and Distribution	
Utilities	If not listed as No Permit Required.
Vehicle Fuel Sales and Service	
Vehicle Parking	
Prohibited	
All other uses	

This clause is in substitution for Rural Zone – clause 20.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Resource Development	If for agriculture, crop production, forest operations in accordance with a Forest Practices Plan, horse stud or tree farming and plantation forestry in accordance with a Forest Practices Plan.
Utilities	If for minor utilities.
Permitted	
Business and Professional Services	If for: (a) a veterinary centre; or (b) an agribusiness consultant or agricultural consultant.
Domestic Animal Breeding, Boarding or Training	
Educational and Occasional Care	If associated with Resource Development or Resource Processing.
Emergency Services	
Food Services	If associated with Resource Development or Resource Processing.
General Retail and Hire	If associated with Resource Development or Resource Processing.
Manufacturing and Processing	If for the processing of materials from Extractive Industry.
Pleasure Boat Facility	If for a boat ramp.
Research and Development	If associated with an existing Resource Development or Resource Processing Use.
Residential	If for: (a) a home-based business in an existing dwelling; or (b) alterations or extensions to an existing dwelling.
Resource Development	If not listed as No Permit Required or Discretionary.
Resource Processing	If not for an abattoir, animal saleyards or sawmilling.

Storage	<p>If for:</p> <ul style="list-style-type: none"> (a) a contractors yard; (b) freezing and cooling storage; (c) grain storage; (d) a liquid, solid or gas fuel depot; or (e) a woodyard.
Utilities	If not listed as No Permit Required.
Visitor Accommodation	If for guests accommodated within an existing building.
Discretionary	
Bulky Goods Sales	<p>If for:</p> <ul style="list-style-type: none"> (a) a supplier for Extractive Industry, Resource Development or Resource Processing; (b) a garden and landscaping materials supplier; (c) a timber yard; or (d) rural supplies.
Business and Professional Services	If not listed as Permitted.
Community Meeting and Entertainment	
Crematoria and Cemeteries	
Custodial Facility	
Educational and Occasional Care	If not listed as Permitted.
Extractive Industry	
Food Services	<p>If:</p> <ul style="list-style-type: none"> (a) for artisan food and drink industry; or (b) not listed as Permitted.
General Retail and Hire	<p>If:</p> <ul style="list-style-type: none"> (a) for artisan food and drink industry; or (b) not listed as Permitted.
Manufacturing and Processing	If not listed as Permitted.
Pleasure Boat Facility	If not listed as Permitted.
Recycling and Waste Disposal	

Research and Development	If not listed as Permitted.
Residential	If for a single dwelling and not restricted by an existing agreement under section 71 of the Act.
Resource Development	If for intensive animal husbandry.
Resource Processing	If not listed as Permitted.
Service Industry	If associated with Extractive Industry, Resource Development or Resource Processing.
Sports and Recreation	
Storage	If not listed as Permitted.
Tourist Operation	
Transport Depot and Distribution	
Visitor Accommodation	If not listed as Permitted.
Prohibited	
All other uses	

KIN-S6.5.5 Use Table for land in the Agriculture Zone

This clause is in substitution for Agriculture Zone – clause 21.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Resource Development	<p>If:</p> <ul style="list-style-type: none"> (a) on land other than prime agricultural land and not for intensive animal husbandry; or (b) an agricultural use, excluding plantation forestry, on prime agricultural land if it is dependent on the soil as the growth medium or conducted in a manner which does not alter, disturb or damage the existing soil profile or preclude it from future use as a growth medium.

Utilities	If for minor utilities.
Permitted	
Food Services	If associated with Resource Development or Resource Processing.
General Retail and Hire	If associated with Resource Development or Resource Processing.
Pleasure Boat Facility	If for a boat ramp.
Residential	If for: (a) a home-based business in an existing dwelling; or (b) alterations or extensions to an existing dwelling.
Discretionary	
Bulky Goods Sales	If: (a) a supplier for Extractive Industry, Resource Development or Resource Processing; (b) a garden and landscape supplier; or (c) a timber yard.
Domestic Animal Breeding, Boarding or Training	
Educational and Occasional Care	
Emergency Services	
Extractive Industry	
Food Services	If: (a) for artisan food and drink industry; or (b) not listed as Permitted.
General Retail and Hire	If: (a) for artisan food and drink industry; or (b) not listed as Permitted.
Manufacturing and Processing	If for: (a) the manufacturing of agricultural equipment; or (b) the processing of materials from Extractive Industry.
Research and Development	

Residential	If for a single dwelling and: (a) not restricted by an existing agreement under section 71 of the Act; and (b) not listed as Permitted.
Resource Development	If not listed as No Permit Required.
Resource Processing	
Storage	If for: (a) a contractors yard; (b) freezing and cooling storage; (c) grain storage; (d) a liquid, solid or gas fuel depot; or (e) a woodyard.
Tourist Operation	
Transport Depot and Distribution	If for the transport and distribution of agricultural produce and equipment.
Utilities	If not listed as No Permit Required.
Visitor Accommodation	
Prohibited	
All other uses	

KIN-S6.5.6 Use Table for land in the Landscape Conservation Zone

This clause is in substitution for Landscape Conservation Zone – clause 22.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Permitted	
Residential	If for a: (a) home-based business; or (b) single dwelling located within a building area, if shown on a sealed plan.

Utilities	If for minor utilities.
Discretionary	
Community Meeting and Entertainment	If for a place of worship, art and craft centre or public hall.
Domestic Animal Breeding, Boarding or Training	
Emergency Services	
Food Services	If: (a) for a gross floor area of not more than 200m ² ; or (b) for artisan food and drink industry.
General Retail and Hire	If: (a) associated with a Tourist Operation; or (b) for artisan food and drink industry.
Residential	If for a single dwelling.
Resource Development	If: (a) not for intensive animal husbandry or plantation forestry; and (b) located on predominantly, or existing, cleared land.
Sports and Recreation	If for an outdoor recreation facility.
Tourist Operation	
Utilities	If not listed as Permitted.
Visitor Accommodation	
Prohibited	
All other uses	

KIN-S6.6 Use Standards

KIN-S6.6.1 Discretionary uses

This clause is in addition to Low Density Residential Zone – clause 10.3 Use Standards, Rural Living Zone – clause 11.3 Use Standards, Village Zone – clause 12.3 Use Standards, Rural Zone – clause 20.3 Use Standards, – Landscape Conservation Zone – clause 22.3 Use Standards, Environmental Management Zone – clause 23.3 Use Standards, Agriculture Zone – clause 21.3 Use Standards, and Community Purpose Zone – clause 27.3 Use Standards.

Objective:	That Discretionary use complements the unique and diverse character of the existing settlement, activities and natural values of the island having regard to the local area objectives.	
Acceptable Solutions		Performance Criteria
A1	No Acceptable Solution.	P1 A use listed as Discretionary must have regard to the local area objectives.

KIN-S6.6.2 Waste water management

This clause is in addition to Low Density Residential Zone – clause 10.3 Use Standards, Rural Living Zone – clause 11.3 Use Standards, Village Zone – clause 12.3 Use Standards Rural Zone – clause 20.3 Use Standards, – Landscape Conservation Zone – clause 22.3 Use Standards, Environmental Management Zone – clause 23.3 Use Standards, Agriculture Zone – clause 21.3 Use Standards, and Community Purpose Zone – clause 27.3 Use Standards.

Objective:	That adequate waste water management is provided for residential and non-residential uses.	
Acceptable Solutions		Performance Criteria
A1	<p>(a) No new use or expansion or intensification of an existing use on the site; or</p> <p>(b) the site has connection or is capable of being connected to a reticulated sewerage system.</p>	<p>P1</p> <p>A new use or expansion or intensification of an existing use must demonstrate that adequate waste water management can be provided, having regard to:</p> <p>(a) the extent and nature of the land available on the property to accommodate an on-site waste water management system (including the land application area) for the proposed development;</p> <p>(b) the land application area is setback a sufficient distance from watercourses, property boundaries and groundwater;</p> <p>(c) maximising the retention and management of natural values located in the Bruny Island Natural Values Area; and</p> <p>(d) any relevant local area objectives.</p>
A2	<p>Trade waste discharge of a new commercial use or expansion or intensification of an existing commercial use must:</p> <p>(a) comply with Councils trade waste substance strength acceptance criteria for the specified receiving environment if it is not connected to a reticulated sewerage network; or</p> <p>(b) comply with the Water Utility Operator trade waste substance strength acceptance criteria if</p>	P2 No Performance Criterion.

situated in a reticulated sewerage network area and must demonstrate that trade waste discharges to the sewer network.	
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KIN-S6.6.3 Water supply

This clause is in addition to Low Density Residential Zone – clause 10.3 Use Standards; Rural Living Zone – clause 11.3 Use Standards, Village Zone – clause 12.3 Use Standards, Rural Zone – clause 20.3 Use Standards, Landscape Conservation Zone – clause 22.3 Use Standards, Environmental Management Zone – clause 23.3 Use Standards, Agriculture Zone – clause 21.3 Use Standards, and Community Purpose Zone – clause 27.3 Use Standards.

Objective:	That potable water is provided for residential and non-residential uses.	
Acceptable Solutions	Performance Criteria	
A1 A new use or expansion or intensification of an existing use on the site must demonstrate that: (a) there is sufficient potable water supply available for the use; or (b) there is no need for potable water.	P1 No Performance Criterion.	

KIN-S6.7 Development Standards for Buildings and Works

KIN-S6.7.1 Residential density for multiple dwellings in the Low Density Residential Zone

This clause is in substitution for Low Density Residential Zone – clause 10.4.1 Residential density for multiple dwellings.

Objective:	That a site is suitable for multiple dwellings.	
Acceptable Solutions	Performance Criteria	
A1 Multiple dwellings must: (a) have a site area per dwelling of not less than 2,500m ² ; (b) meet the on-site waste water management provisions in KIN-S6.7.5 A1; and (c) avoid direct or indirect impacts on natural values located in the Bruny Island Natural Values Area.	P1 Multiple dwellings must site area per dwelling must not be less than 2,500m ² and must be: (a) provided with on-site waste water management in accordance with KIN S6.7.5 A1 or P2; and (b) designed to maximise the retention and management of natural values located in the Bruny Island Natural Values Area.	

KIN-S6.7.2 Exterior building finishes - visual impact

This clause is in addition to Low Density Residential Zone – clause 10.4 Development Standards for Dwellings and clause 10.5 Development Standards for Non-dwellings, Rural Living Zone – clause 11.4 Development Standards for Buildings and Works, Village Zone – clause 12.4 Development Standards for Buildings and Works, Rural Zone – clause 20.4 Development Standards for Buildings and Works, Agriculture Zone – clause 21.4

Development Standards for Buildings and Works, and Community Purpose Zone – clause 27.4 Development Standards for Buildings and Works.

This clause is in substitution for Landscape Conservation Zone – clause 22.4.2 Building height, siting and exterior finishes A5 and P5 and Environmental Management Zone – clause 23.4.3 Exterior finish.

Objective:	That the design of development complements the existing built and landscape character of Bruny Island.	
Acceptable Solutions	Performance Criteria	
A1 Exterior building finishes must: (a) be of materials and colours with a light reflectancy value not greater than 40%; and (b) not in bold or bright colours.	P1 Exterior building surfaces must not cause significant adverse impact on the visual amenity of the area, having regard to: (a) the level of reflectance when viewed from roads, public places and nearby waters; and (b) dominant colours and character of the area.	

KIN-S6.7.3 Building height in coastal proximity

This clause is in substitution for Low Density Residential Zone – clauses 10.4.2 Building height and 10.5.1 Non-dwelling development A1 and P1, Rural Living Zone – clause 11.4.2 Building height, setback and siting A1 and P1, Village Zone – clause 12.4.2 Building height, Rural Zone – clause 20.4.1 Building height, Agriculture Zone – clause 21.4.1 Building height, Landscape Conservation Zone – clause 22.4.2 Building height, siting and exterior finishes A1 and P1, Environmental Management Zone – clause 23.4.2 Building height, setback and siting A1(a) and P1, and Community Purpose Zone – clause 27.4.1 Building height.

Objective:	That building and structure height does not adversely impact on visual landscape qualities or extensive loss of views.	
Acceptable Solutions	Performance Criteria	
A1 Buildings in coastal proximity must have a building height of not more than 5m.	P1 Building height must not cause a significant adverse impact on the landscape qualities of the area and backdrop setting, having regard to: (a) The apparent height when viewed from the adjoining road, public places and waters around Bruny Island; (b) the particular shape, contours or slope of the subject land, or of adjoining land; (c) the height of adjoining development; and (d) any relevant local area objectives.	

KIN-S6.7.4 Site excavation and fill

This clause is in addition to Low Density Residential Zone – clauses 10.4.2 Development Standards for Dwellings and 10.5.1 Development Standards for Non-dwellings, Rural Living Zone – clause 11.4 Development Standards for Buildings and Works, Village Zone – clause 12.4 Development Standards for Buildings and Works, Rural Zone – clause 20.4 Development Standards for Buildings and Works, Agriculture Zone – clause 21.4 Development Standards for Buildings and Works, Environmental Management Zone – clause 23.4 Development

Standards for Buildings and Works, and Community Purpose Zone – clause 27.4 Development Standards for Buildings and Works.

Objective:	That: <ul style="list-style-type: none"> (a) the extent of alterations to the existing landform are minimised; (b) the visual prominence of buildings and structures is reduced; (c) building design responds to the particular shape, contours and slope of the land; and (d) design minimises disturbance to landform, including topography and vegetation.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Buildings and works must not include cut and fill greater than 1m above or below existing ground level.</p>	<p>P1</p> <p>Buildings and works must be located to minimise alteration to existing ground level, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the size and shape of the site; (c) any constraints imposed by existing development; (d) location of buildings or works; (e) the extent of any required cut or fill; (f) degree of disturbance to landform; (g) visibility of cut and fill when viewed from roads, public places and nearby waters; (h) privacy of residents on adjoining lots; (i) land stability; and (j) impact of visibility of driveways and access tracks.

KIN-S6.7.5 On-site waste water management

This clause is in addition to Low Density Residential Zone – clauses 10.4.2 Development Standards for Dwellings and 10.5.1 Development Standards for Non-dwellings, Rural Living Zone – clause 11.4 Development Standards for Buildings and Works, Village Zone – clause 12.4 Development Standards for Buildings and Works, Rural Zone – clause 20.4 Development Standards for Buildings and Works, Agriculture Zone – clause 21.4 Development Standards for Buildings and Works, Landscape Conservation Zone – clause 22.4 Development Standards for Buildings and Works, Environmental Management Zone – clause 23.4 Development Standards for Buildings and Works, and Community Purpose Zone – clause 27.4 Development Standards for Buildings and Works.

Objective:	That where on-site wastewater management is required, the site is suitable and able to accommodate an on-site waste management system.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Where on-site waste water management is required, it must:</p> <ul style="list-style-type: none"> (a) not cover more than 20% of the site; (b) not be located on land shown on an overlay map, as within: <ul style="list-style-type: none"> (i) a flood-prone hazard area; (ii) a landslip hazard area; 	<p>P1</p> <p>The site must be suitable and provide sufficient area for management of on-site waste water, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the capacity of the site to absorb waste water; (c) the size and shape of the site;

<ul style="list-style-type: none"> (iii) a coastal erosion hazard area; (iv) a waterway and coastal protection area; or (v) a coastal inundation hazard area; (c) avoid direct and indirect impacts on natural values located in the Bruny Island Natural Values Area; (d) be located on a site with a soil depth of at least 1.5m; (e) be located on a site where the average gradient of the land does not exceed 10%; and (f) for a dwelling, provide 65m² of land for wastewater land application area per bedroom which is located at least 1.5m from an upslope or side slope boundary and 5m from a downslope boundary. 	<ul style="list-style-type: none"> (d) the nature and extent of any hazard overlay; (e) the existing buildings and any constraints imposed by existing development; (f) the area of the site to be covered by the proposed development; (g) the provision for landscaping, vehicle parking, driveways and private open space; (h) any adverse impacts on the quality of ground, surface and coastal waters; (i) any adverse environmental impact on surrounding properties and the locality; (j) any written advice from a suitably qualified person (onsite waste water management) about the adequacy of the on-site waste water management system; and (k) maximising the retention and management of natural values located in the Bruny Island Natural Values Area.
<p>A2</p> <p>An outbuilding, driveway or parking area or addition or alteration to a building must not encroach onto an existing land application area.</p>	<p>P2</p> <p>An outbuilding, driveway or parking area or addition or alteration to a building must demonstrate that there is sufficient suitable area of land available for a new onsite waste water management system.</p>

KIN-S6.7.6 Retention and management of natural values on Bruny Island

This clause is in addition to Low Density Residential Zone – clauses 10.4.2 Development Standards for Dwellings and 10.5.1 Development Standards for Non-dwellings, Rural Living Zone – clause 11.4 Development Standards for Buildings and Works, Village Zone – clause 12.4 Development Standards for Buildings and Works, Rural Zone – clause 20.4 Development Standards for Buildings and Works, Agriculture Zone – clause 21.4 Development Standards for Buildings and Works, Environmental Management Zone – clause 23.4.1 Development area, and Community Purpose Zone – clause 27.4 Development Standards for Buildings and Works.

This clause is in substitution for Landscape Conservation Zone – clause 22.4.4 Landscape protection, Environmental Management Zone – clause 23.4.4 Vegetation management, and Natural Assets Code – clause C7.6.2 Clearance within a priority vegetation area.

Objective:	Buildings and works maximise the appropriate management and retention of natural values in the Bruny Island Natural Values Area and implement the mitigation hierarchy.
Acceptable Solutions	Performance Criteria
<p>A1.1</p> <p>The location of buildings and works within the Bruny Island Natural Values Area excluding in the Environmental Management Zone must:</p> <ul style="list-style-type: none"> (a) be located within a building area, if shown on a sealed plan; or 	<p>P1</p> <p>Buildings and works must not substantially detract from the natural values located in the Bruny Island Natural Values Area and must be located and designed to minimise, mitigate and offset adverse</p>

<p>(b) avoid direct and indirect impacts on natural values located in the Bruny Island Natural Values Area.</p> <p>A1.2</p> <p>Building and works within the Environmental Management Zone must:</p> <p>(a) avoid direct and indirect impacts on natural values located in the Bruny Island Natural Values Area; or</p> <p>(b) be in accordance with an authority under National Parks and Reserve Management Regulations 2019 granted by the Managing Authority or the Nature Conservation Act 2002.</p>	<p>direct and indirect impacts on natural values, having regard to:</p> <p>(a) the extent of natural values retained and impacted;</p> <p>(b) the maturity, landscape contribution and conservation significance of the natural values;</p> <p>(c) requirements for adequate bushfire protection;</p> <p>(d) any proposed remedial, mitigation, offset or revegetation measures;</p> <p>(e) the management and treatment of the balance of the site, including opportunities to increase the long-term security, maintenance and management of natural values outside the area impacted by any buildings, works and bushfire hazard management measures;</p> <p>(f) the practical alternatives with respect to the location or design of the development;</p> <p>(g) any significant long term social and economic benefits of the development for Bruny Island; and</p> <p>(h) the purpose of the underlying zone.</p>
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KIN-S6.7.7 Collision risk

This clause is in addition to Low Density Residential Zone – clauses 10.4.2 Development Standards for Dwellings and 10.5.1 Development Standards for Non-dwellings, Rural Living Zone – clause 11.4 Development Standards for Buildings and Works, Village Zone – clause 12.4 Development Standards for Buildings and Works, Rural Zone – clause 20.4 Development Standards for Buildings and Works, Landscape Conservation Zone – clause 22.4 Development Standards for Buildings and Works, Environmental Management Zone – clause 23.4 Development Standards for Buildings and Works, Agriculture Zone – clause 21.4 Development Standards for Buildings and Works, and Community Purpose Zone – clause 27.4 Development Standards for Buildings and Works.

Objective:	That the design of buildings and structures minimises collision risk for threatened bird species.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The design of buildings and structures must:</p> <p>(a) not include mesh fences more than 1.2m in height from natural ground level;</p> <p>(b) not include corner windows or the creation of sightlines through glazed surfaces; and</p> <p>(c) use glazing that:</p> <p>(i) has a total surface area of less than 2m²;</p> <p>(ii) uses low-reflectivity glass (0-10%); or</p>	<p>P1</p> <p>Building and structure design must minimise the collision risk for threatened birds, having regard to:</p> <p>(a) any likely particular impacts on the swift parrot;</p> <p>(b) any impacts on other threatened bird species; and</p> <p>(c) the advice of a suitably qualified person.</p>

(iii) is installed at a minimum of 20 degrees from vertical, angled in at its base to reflect the ground.	
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KIN-S6.8 Development Standards for Subdivision

KIN-S6.8.1 Lot design in the Low Density Residential Zone

This clause is in substitution for Low Density Residential Zone – clause 10.6.1 A1 and P1 Lot design and Natural Assets Code – clause C7.7.2 Subdivision within a priority vegetation area.

Objective:	That each lot has an area and dimensions appropriate for use and development in the zone while maximising the retention and protection of natural values.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed on a plan of subdivision, must:</p> <p>(a) have an area of not less than 2,500m²:</p> <p style="margin-left: 20px;">(i) able to contain a minimum area of 20m x 15m with a gradient not steeper than 1 in 5, clear of:</p> <p style="margin-left: 40px;">a. all setbacks required by clause 10.4.3 A1 and A2;</p> <p style="margin-left: 40px;">b. easements or other title restrictions that limit or restrict development;</p> <p style="margin-left: 20px;">a. land shown on an overlay map, as within:</p> <p style="margin-left: 40px;">i. a flood-prone hazard area;</p> <p style="margin-left: 40px;">ii. a landslip hazard area;</p> <p style="margin-left: 40px;">iii. a coastal erosion hazard area;</p> <p style="margin-left: 40px;">iv. a waterway and coastal protection area;</p> <p style="margin-left: 40px;">v. a future coastal refugia area; and</p> <p style="margin-left: 40px;">vi. a coastal inundation hazard area; and</p> <p style="margin-left: 20px;">(ii) demonstrate that existing buildings are consistent with the setback required by the Low Density Zone – clause 10.4.3 Setback A1 and A2; and</p> <p style="margin-left: 20px;">(iii) avoid direct and indirect impacts on natural values located in the Bruny Island Natural Values Area;</p> <p>(b) be required for public use by the Crown, a council or State authority;</p> <p>(c) be required for the provision of utilities; or</p>	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision must have an area not less than 2,500m² and must not substantially detract from the natural values located in the Bruny Island Natural Values Area having regard to:</p> <p style="margin-left: 20px;">(a) each lot having sufficient useable area and dimensions suitable for its intended use;</p> <p style="margin-left: 20px;">(b) the maturity, landscape contribution and conservation significance of any natural values;</p> <p style="margin-left: 20px;">(c) any practical alternatives with respect to the location or design of the subdivision layout and associated works;</p> <p style="margin-left: 20px;">(d) requirements for adequate access arrangements, bushfire protection and on-site wastewater;</p> <p style="margin-left: 20px;">(e) the management and landscaping treatment of the site;</p> <p style="margin-left: 20px;">(f) minimise, and mitigate and offset adverse direct and indirect impacts on natural values;</p> <p style="margin-left: 20px;">(g) the nature and extent of any hazard overlay;</p> <p style="margin-left: 20px;">(h) the relevant requirements for future development of buildings on the lots;</p> <p style="margin-left: 20px;">(i) the intended location of buildings on the lots;</p> <p style="margin-left: 20px;">(j) the topography of the site;</p> <p style="margin-left: 20px;">(k) adequate provision of private open space;</p> <p style="margin-left: 20px;">(l) adequate provision of drainage and waste water disposal;</p> <p style="margin-left: 20px;">(m) any constraints to development;</p> <p style="margin-left: 20px;">(n) the pattern of development existing on established properties in the area;</p>

<p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>(o) increasing the long-term security, maintenance and management of natural values outside the area impacted by subdivision works, the building area and the area likely impacted by future bushfire hazard management measures through mechanisms on the title; and</p> <p>(p) the purpose of the underlying zone.</p>
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KIN-S6.8.2 Bruny Island natural values retention, management and lot design

This clause is in addition to Rural Living Zone – clause 11.5 Development Standards for Subdivision, Village Zone – clause 12.5 Development Standards for Subdivision, Rural Zone – clause 20.5 Development Standards for Subdivision, Landscape Conservation Zone – clause 22.5 Development Standards for Subdivision, Environmental Management Zone – clause 23.5 Development Standards for Subdivision, Agriculture Zone – clause 21.5 Development Standards for Subdivision, and Community Purpose Zone – clause 27. 5 Development Standards for Subdivision.

This clause is in substitution for Natural Assets Code – clause C7.7.2 Subdivision within a priority vegetation area.

<p>Objective:</p>	<p>That subdivision:</p> <ul style="list-style-type: none"> (a) maximises the appropriate management, retention and protection of natural values; (b) implements the mitigation hierarchy; and (c) complements the local character of Bruny Island.
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Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed on a plan of subdivision, must not directly or indirectly impact on natural values located in the Bruny Island Natural Values Area.</p>	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must not substantially detract from the natural values located in the Bruny Island Natural Values Area and must complement the local character, having regard to:</p> <ul style="list-style-type: none"> (a) the extent of natural values retained and impacted; (b) the maturity, landscape contribution and conservation significance of any natural values; (c) requirements for adequate bushfire protection and on-site wastewater; (d) the management, landscaping and treatment of the site; (e) minimise, and mitigate and offset adverse direct and indirect impacts on natural values; (f) the relevant requirements for future development of buildings on the lots; (g) the intended location of buildings on the lots; (h) the topography of the site; (i) the need for infrastructure services;

	<ul style="list-style-type: none">(j) adequate provision of public open space;(k) the pattern of development existing on established properties in the area;(l) increasing the long-term security, maintenance and management of natural values outside the area impacted by subdivision works, the building area and the area likely impacted by future bushfire hazard management measures through mechanisms on the title; and(m) the purpose of the underlying zone.
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KIN-S6.9 Tables

This sub-clause is not used in this specific area plan.

Figure KIN-S6.1 – Bruny Island Specific Area Plan

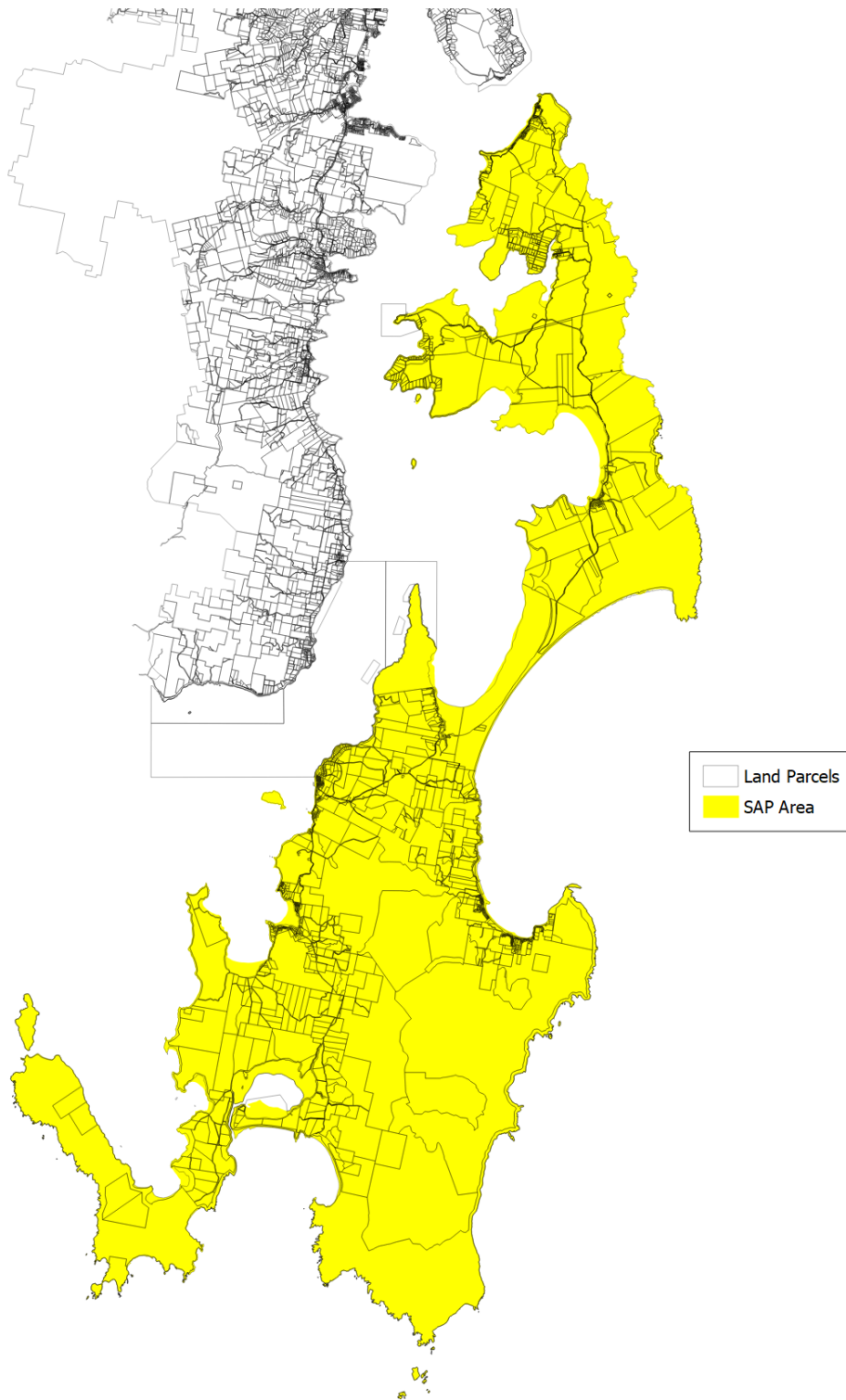


Figure KIN-S6.2 – Bruny Island Natural Values Area

