



Scheme Amendment Report

Combined amendment and permit application.

Bruny Island House of Whisky Pty Ltd

01 November 2024

→ **The Power of Commitment**



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Executive Summary

The Bruny Island House of Whisky has engaged the services of GHD Pty Ltd to prepare this report to support an application to create a site-specific amendment and discretionary planning permit application for the land at 360 Lennon Road, North Bruny (CT25139/1) to allow planning approval for the existing Hotel Industry – change of use to a tasting house in the former restaurant/café building on the site.

The application is made under the former provisions of *Land Use Planning and Approvals Act 1993* (Section 43A) must be lodged with the Kingborough Council. The application is a combined permit and scheme amendment application.

Council must then consider the application and decide whether to initiate the amendment to the *Kingborough Interim Planning Scheme 2015* to allow for the change of use permit to be granted.

The report has demonstrated the application for the site-specific qualification and planning approval ought to be approved, subject to further advice and conditions of Council.

As required by the Act and detailed in Section 4 of the report the proposed development and scheme amendment are compliant with the *Land Use Planning and Approvals Act 1993* and the broader Resource Management and Planning System of Tasmania including the Southern Tasmanian Regional Land Use Strategy. Other national and State policies and strategies have been considered, where relevant, and the proposal is found to support their economic, environmental, social aims and objectives, as the proposal is largely consistent with the established use and development of the land, in turn not impacting upon the use and development of land in the vicinity.

The proposal will support the wider Tasmanian tourism industry with a particular benefit to the Bruny Island community. Although Prohibited in the Zone because it involves the sale and consumption of alcohol, the use is broadly comparable to a former use on the site for which there was a Permit. The uses have been continuing for at least seven years with no recorded disturbance caused to neighbours. It is an entirely suitable and appropriate use adjacent to a category 5 road which is located near the edge of a residential area as it transitions into the more agricultural part of the Island. The proposed Scheme amendment would insert a site-specific qualification in the Use Table making any Liquor Licensed establishment at 360 Lennon Road a Discretionary Use.

This report and the supporting documents form the basis of the application lodged with the Kingborough Council for initiation, exhibition, and referral to the Tasmanian Planning Commission for determination.

We consider that the requirements of the *Land Use Planning and Approvals Act 1993* and the standards of the *Kingborough Interim Planning Scheme 2015* would be satisfied and that following the appropriate process, can be approved by the Council and the Commission. It is recommended that the Planning Authority proceeds to initiate this amendment and approves the permit inclusive of any conditions considered necessary.

This report is subject to, and must be read in conjunction with, the limitations set out in section 1.2 and the assumptions and qualifications contained throughout the Report.

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1. Introduction

This section provides an introduction and context for the report.

1.1 Purpose of this report

This report has been prepared by GHD Pty Ltd (GHD) on behalf of the Bruny Island House of Whisky (BIHW), to support an application for an amendment of the *Kingborough Interim Planning Scheme 2015* (the Scheme) for land at 360 Lennon Road, CT25139/1 (the Site).

The report and supporting documents form the basis of an application to the Planning Authority, Kingborough Council (the Council), and the Tasmanian Planning Commission (the Commission).

The application requests both an amendment to the Scheme in the form of a site-specific qualification and a planning permit application for partial change of use to Hotel Industry – tasting house pursuant to Section 43A of the *Land Use Planning and Approvals Act 1993* (LUPAA).

The report is structured such that Sections 2 and 3 provide a description of the site and the proposed use, while Section 4 provides an assessment of the proposed Scheme amendment against the provisions of the Act. Based on the Scheme as amended, Section 5 demonstrates compliance of the proposed partial change of use with the Scheme. Finally, Section 6 ties it all together in the conclusion.

1.2 Scope and limitations

This report: has been prepared by GHD for Bruny Island House of Whisky Pty Ltd and may only be used and relied on by Bruny Island House of Whisky Pty Ltd for the purpose agreed between GHD and Bruny Island House of Whisky Pty Ltd as set out in section 1.1 of this report.

GHD otherwise disclaims responsibility to any person other than Bruny Island House of Whisky Pty Ltd arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report (refer section(s) 1.3 of this report). GHD disclaims liability arising from any of the assumptions being incorrect.

Accessibility of documents

If this report is required to be accessible in any other format, this can be provided by GHD upon request and at an additional cost if necessary.

1.3 Accompanying documents

- The report is also informed by the following accompanying documents:
- Documentation relation to enforcement matters
- Traffic Impact Assessment
- Natural Values Search
- Aboriginal Cultural Heritage desktop search

2. Site Analysis

This section describes the Site and its surroundings for context.

2.1 Site location

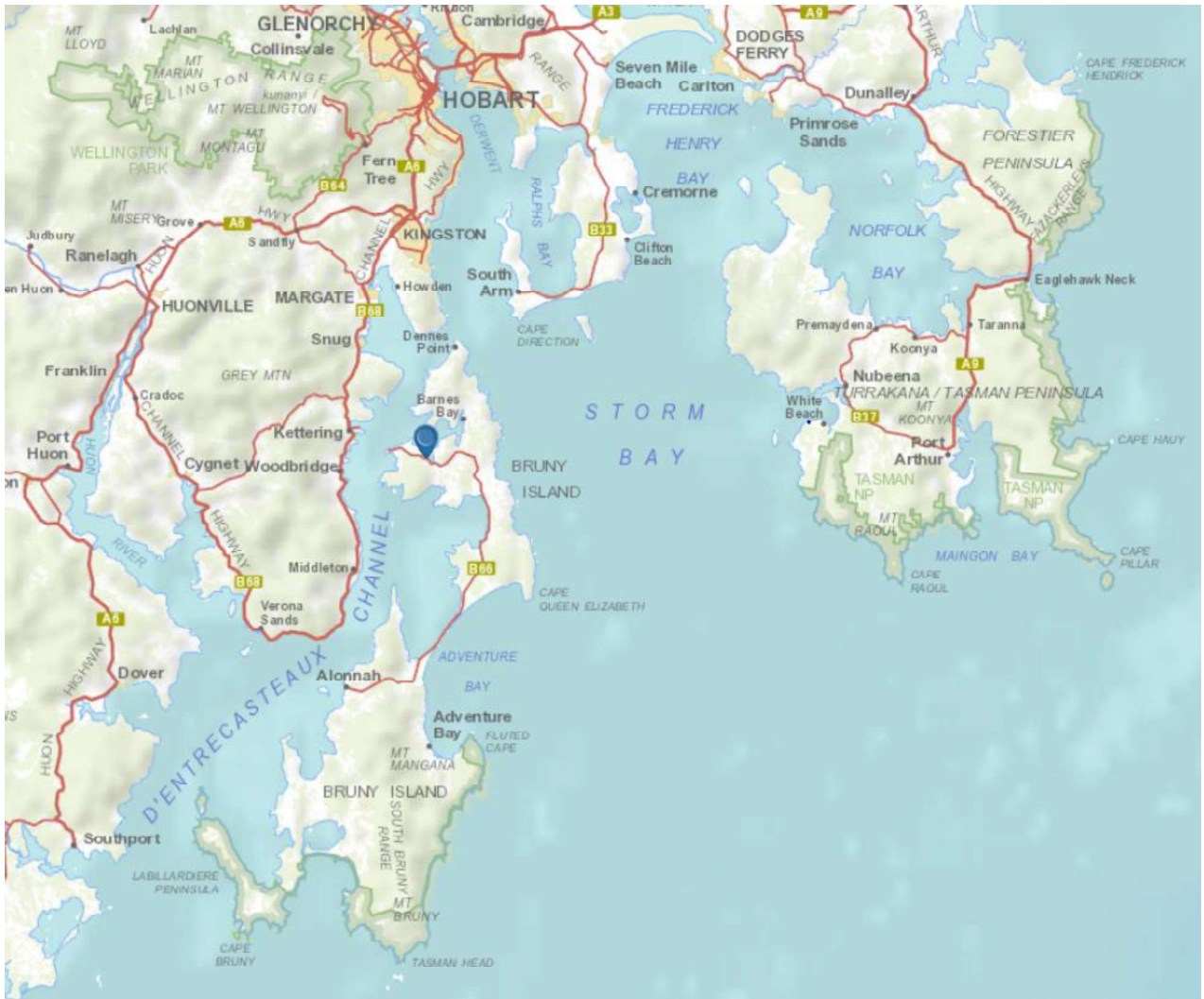


Figure 1 North Bruny Location Plan

Image and data from the LIST, © State of Tasmania

The Site is located in North Bruny, less than five minutes' drive from the Roberts Point ferry terminal. Access is from Kettering, a town 40km or about half an hour south of Hobart (refer Figure 1).

2.2 Subject site

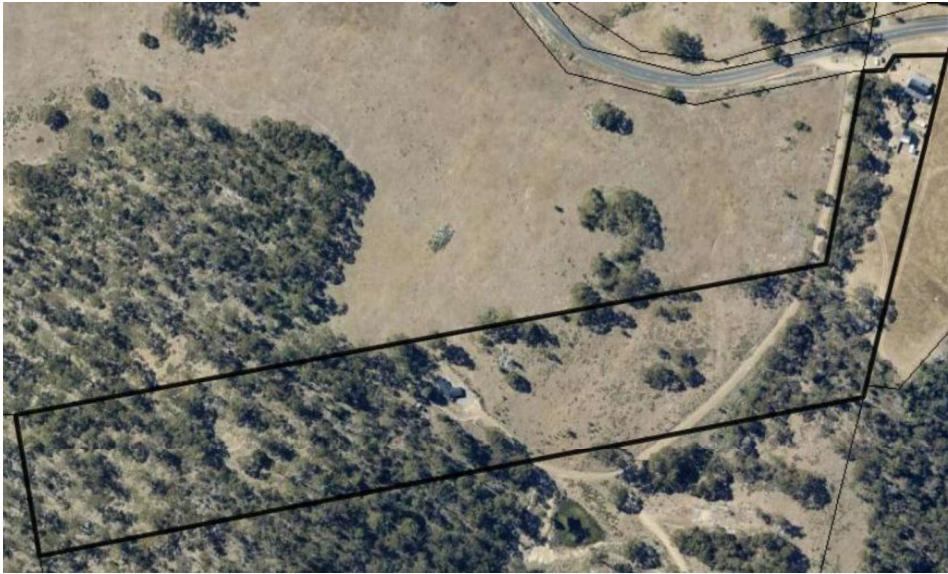


Figure 2 360 Lennon Road, North Bruny

Image and data from the LIST, © State of Tasmania

The site is a roughly “L-shaped” lot of 6.7ha. The proponent leases a small area at the front of the site for commercial purposes while the rest of the site is in residential use.

A small colonial-period-looking building near the frontage is occupied by the Bruny Island House of Whisky. It is about 12m from the front boundary, 3.5m from the eastern side boundary and 30m from the western side boundary. Visitors to the site currently park on a service road area within the road reserve (as approved for the earlier café/restaurant business) and enter the building from its deck. The front two rooms are for tasting and sales. Visitors use the separate toilets set back about 9m from the building. Staff also have access to the kitchen, a cool room, the bathroom and three rooms upstairs which are office and storage space. A separate staff car park is behind the building as well as a recently constructed

There is a shipping container used for storage also located on the site approximately 7.5m behind the main building.

Finally, 7m behind the toilet block there is a separate shed and the caravan which is now vacant and expected to be removed.

The Hotel Industry use will form the main Tasting House building, the toilet block, the storage container and access with associated public and staff car parking and turning.

Some bottling and labelling would occur in the shed incidentally to the Hotel Industry use.

The site also benefits from a building accessed by the same road crossing but a separate driveway informally crossing two adjacent titles. The building is a small building constructed of shipping containers but permanently fixed including domestic garden areas. It is approximately 350m behind the Bruny Island House of Whisky building, although due to the angle of the lot it is 230m from the nearest road. It is located around 27m from the western side boundary, 54m from the eastern side boundary and almost 300m from the rear boundary.

2.3 Certificates of title

The subject site is 360 Lennon Road, North Bruny. The land is identified as CT25139/1 with PID 2301229. The land tenure is private freehold. The applicant leases the existing restaurant building for business purposes. It is not unusual to have many different uses on the same site and the commercial arrangements are not relevant to the assessment of land use potential.

The title is subject to easements and rights of way that convey material interest in the land to landowners beyond the subject site. It is noted that for a Scheme Amendment under the former provisions of S43A LUPAA, the *consent* of all relevant landowners is required, this includes those with a material interest.

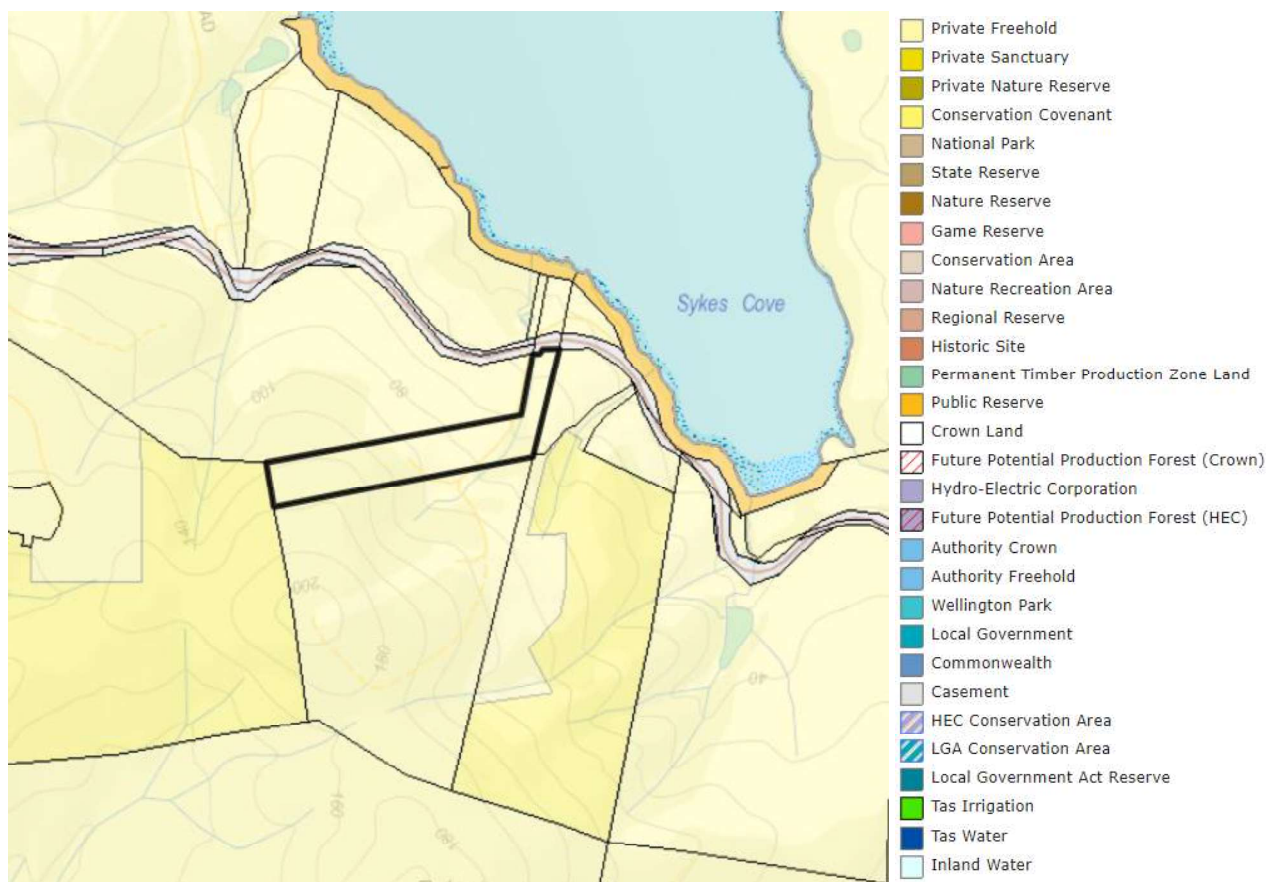


Figure 3 Land tenure

Image and data from the LIST, © State of Tasmania

Table 1 Titles

Title Reference	Ownership	Comment
CT25139/1	Private Freehold: Nicholas John McGrath	Subject site Burdened by rights of way in favour of adjoining titles south and east Informally uses part of CT118180/1, 31 Apollo Bay Road, to access the rear of the site. Informally uses part of CT25139/2 to access the rear of the site.
CT25139/2	Private Freehold: Anthony Bernard McLaine	Adjoining land south of subject site. Land benefits from a right of way over CT118180/1, 31 Apollo Bay Road. Land benefits from a right of way over the subject site CT25139/1, although constructed driveway does not follow this route. Access to the building at the rear of the subject site is partially over this land (informal)
CT155660/3 (part of former CT25139/3)	Private Freehold: Robin Yngve Mann	Adjoining land southeast of subject site. Land has been further subdivided. Land benefits from a right of way over the subject land, but it is not built. Access appears to come from elsewhere.
CT118180/1	Private Freehold: Richard Glenn Murray	Adjoining land northwest of subject site. Land burdened by right of way to benefit CT25139/2 only.

With this table as a reference, it has been determined that owners of CT25139/1, CT25139/2 and CT155660/3 (part of former CT25139/3) **only** are required to give consent. The titles and consents can be found in Appendix A. There is no interest conferred to adjoining parcels **east** of the site at CT155660/1 or **west** at CT141698/2.

2.4 Access and transport

Travel to Bruny Island is by ferry. Typically the service runs several times per hour 7am to 7pm daily (there are a couple of earlier options on weekdays), and is commercially operated, although there are concessions for registered land owners and occupants on the Island.

Lennon Road “B66” is a category 5 “other road” maintained by the Department of State Growth. It is a sealed bi-directional road. The permanent population on the island is just over 800 but that doesn’t include an estimated 150,000 day-trippers annually. A fairly small proportion of these – 20% – are estimated to spend at least one night on the island. Apart from a couple dozen lots at Apollo Bay, all this traffic to and from the island will pass the subject land just 3km from the ferry terminal at Roberts Point.



Figure 4 Existing site access

Image and data from the LIST, © State of Tasmania

An unsealed crossing serves two driveways. The first is directly and visibly to the Bruny Island House of Whisky car park, which is partially within the road reserve although on a service road and separated from the main carriageway by topography. The second crosses into land on the adjoining lot to the west and the adjoining lot to the south to provide informal access to the building at the rear of the property.

Although there is a right of way over two properties benefitting land to the south of the subject land, the existing driveway does not follow the same route.

There is a right of way on the subject land benefiting the neighbouring title to the southeast but it does not appear to be made or in use.

2.5 Aboriginal heritage

The First Nations peoples know the island as lunawanna-alonnah. This is where two localities on the island, Lunawanna and Alonnah, derive their names. The island as a whole has a rich pre-European history which is partially documented on public information signs for the education and interest of locals and tourists.

A desktop search was conducted via Aboriginal Heritage Tasmania's online portal and no likely impacts were indicated. A record of this search is available in Appendix B. There is also an unanticipated discovery plan which covers obligations under the *Aboriginal Heritage Act 1975* if something unexpected is found.

2.6 European heritage

The building was constructed after 1994. The site is not on the Tasmanian Heritage Register. The nearest location that is, is the Roberts Salt and Soap Factory about 730m northwest of the site.

There are no obligations under the *Historic and Cultural Heritage Act 1995*.



Figure 5 Tasmanian Heritage Council registered site location (purple)

Image and data from the LIST, © State of Tasmania

2.7 Topography

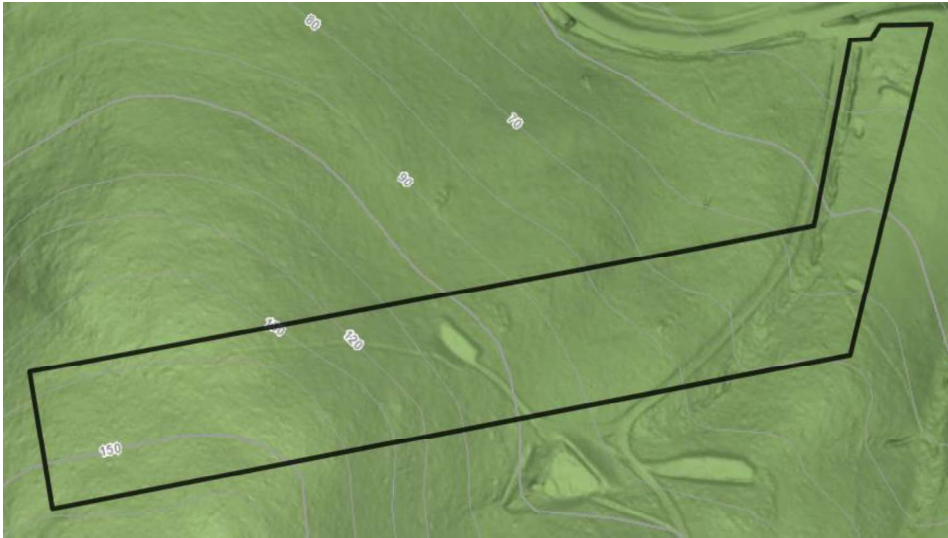


Figure 6 Topographic Plan

Image and data from the LIST, © State of Tasmania

The site is on a hillside. The Bruny Island House of Whisky is at the northern tip of the title configuration adjacent to the road (elevation around 35m AHD) while the building is halfway up the hill between 100m AHD and 110m AHD towards the west.

2.8 Natural values

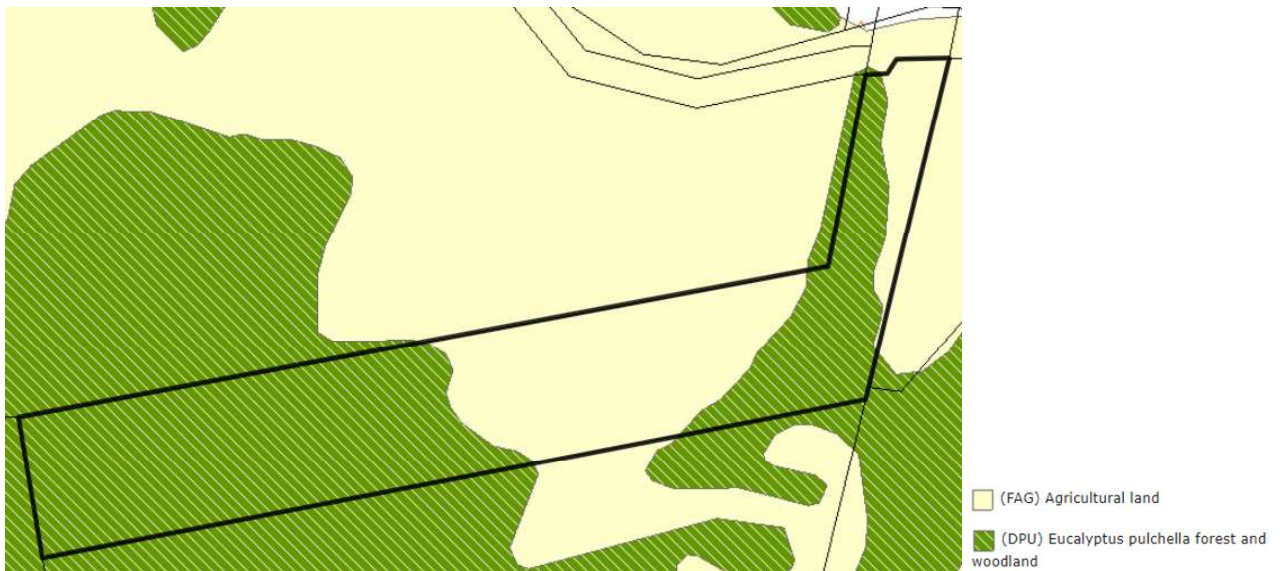


Figure 7 TASVEG 4.0 Vegetation mapping

Image and data from the LIST, © State of Tasmania

Bruny Island in general is valued for its conservation potential, evidenced by the fierce local protection of biodiversity. Large parts of the island are protected with conservation covenants, within the national park, or as Threatened Native Vegetation Communities under Commonwealth legislation. A desktop assessment of the site

has been undertaken using the Tasmanian Government's Natural Values Atlas. The full report can be found in Appendix C.

One observation of crested speargrass *Austrostipa blackii* from 2011 was recorded on the site. This is a threatened flora species but its location near the existing building is well away from the part of the site where the Bruny Island House of Whisky is, and this is not considered to have relevance for this assessment. Other potential use and development may require additional approvals, but that is outside the scope of this report.

There were no records of threatened fauna on the subject site, although numerous examples around it. Development that could affect preferred habitat for these species may require separate approvals. Any development may need to take raptor nesting periods into account. Only minor development in an already heavily disturbed part of the site would be required to support the change of use.

The length of Lennon Road including the frontage of the subject land is known to host weed species. Steps could be taken to eliminate specific pests from the site or reduce the chance of spreading from the site.

2.9 Natural hazards

This section identifies common natural hazards that may require work outside the planning scheme.

2.9.1 Bushfire



Figure 8 Bushfire Prone Areas mapping

Image and data from the LIST, © State of Tasmania

The site is within a bushfire prone area. It is unlikely the storage of bulk alcohol on the site achieves a manifest quantity for the purposes of planning assessment, however, this may require additional approvals under the *Building Act 2016* in consultation with the Tasmania Fire Service.

2.9.2 Landslip



Figure 9 Landslip Hazard Mapping

Image and data from the LIST, © State of Tasmania

Although the northern front section of the site is not spatially identified as being affected by the landslide hazard risk, large portions of the western rear (up the hill) are mapped for low and medium risk landslide hazard. Development in these areas usually requires specific approvals under the *Building Act 2016*. There would be no development within the overlay area in association with the proposal.

2.9.3 Potentially contaminated land

There is no known current or historic potentially contaminating use on the land or any adjoining lot. It is unlikely that the soil is potentially contaminated.

2.10 Services

There is no access to water, sewer, or gas services on the island. The site uses tank water and onsite wastewater disposal. The building and the Tasting House are on separate systems.

Stormwater drains to a public table drain system in the road maintained by the Department of State Growth.

The site is serviced with power and communications.

2.11 Site photos



Figure 10 *Entry and outdoor tasting area*



Figure 11 *Inside tasting areas*



Figure 12 *Additional inside tasting space and ancillary sale of goods.*



Figure 13 *Toilet facilities*

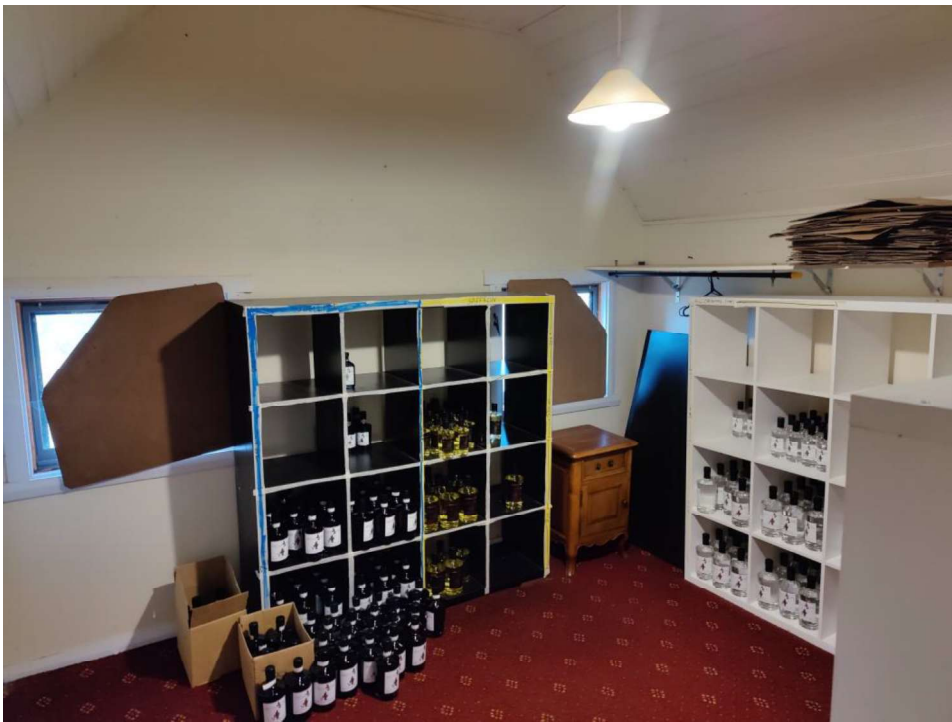


Figure 14 **Storage upstairs**



Figure 15 **Existing staff parking and storage area**



Figure 16 *From the rear of the buildings looking south up to the water tanks*



Figure 17 *Existing building element on the site*



Figure 18 Existing road crossing serving the Whisky House, the building and 360A Lennon Road.



Figure 19 Private driveway for 360A Lennon Road and informally for the building on the Subject Site.



Figure 20 *An additional creek crossing potentially providing access to the building without crossing 31 Apollo Bay Road.*



Figure 21 *Existing culvert and natural creek*

2.12 Surrounding area



Figure 22 *North Bruny (detail) aerial*

Image and data from the LIST, © State of Tasmania

The site is a prominent location passed by virtually all traffic to and from the island. Apart from a kiosk at the ferry terminal, it will be the first business most visitors to the island encounter when they arrive, and the last commercial development they see before leaving.

Bruny Island has a small population of around 800 supporting annual visitors around 150,000. The island traditionally has a focus on primary production with oysters, wool and timber providing examples. There are also several small artisanal resource processing and manufacturing industries associated with bulk commodities. The island's cheese factory, or the historic and now closed soap manufacturer offer demonstration.

To the southwest of the subject land is plantation native forest (although virtually no logging has occurred since 2005) with a coastal ribbon of residential development set amongst dense native vegetation. East of the site is open pasture where sheep and cattle graze interspersed with native vegetation or other wooded areas. There are at several marine aquaculture leases for salmon or oysters just off the western, more sheltered, coast of the island.

The nearest settlements besides the very sparsely developed Apollo Bay are at Barnes Bay (9km by road) or Great Bay (12km by road).

Kettering, the ferry's connection point on the main island of Tasmania, is one of a string of coastal communities in the D'Entrecasteaux Channel which traditionally have been holiday towns or places with specific local industry.

3. Project Description

This section describes the existing approvals on the site, the existing uses on the site and the intended future direction of the business as described by BIHW.

3.1 Background

In 2022, the unnamed watercourse on the site overflowed leading to damage in the existing building at the site. When the Council inspected it, they determined there were a number of planning enforcement matters to be resolved. A Notice of Intention with five charges was issued on 24 November 2022 and ultimately an Enforcement Notice with a single charge issued. This charge for use of the land as Hotel Industry, which is prohibited in the Environmental Living Zone, was issued 2 March 2023. These documents are reproduced in Appendix D .

TasNetworks have since improved the drainage in the creek and it is not expected to overflow again.

While the business may have opened in accordance with existing permits on the site, slowly over time the focus changed from food, combinations of food and alcohol, to just alcohol. The existing business is an evolution of the approved use and this is one of the reasons a rezoning or relocation is not considered an appropriate response: at no time was the break with earlier uses significant, and the proposed use is considered compatible with the surrounding area. It was only when reviewed in isolation that the breach was identified.

BIHW have co-operated with Council and TasCAT in attempting to resolve the contravention and to explore the possible options to retain this part of the business. This has included exploration of all possible options for a site-specific approach. However, it is noted that the Scheme is yet to transition to the Tasmanian Planning Scheme – Kingborough and the LPS is yet to be publicly notified. There may be more broad options be explored by the Planning Authority to facilitate such uses.

3.2 Proposed use and development description

The proposal comprises a partial change of use from the approved Food Services (restaurant/café) use to a Hotel Industry (tasting house) use. Customers will arrive and may choose *à la carte* from over 150 whiskies or gins, or pre-planned “flights” (a selection of whiskies to be tasted in a specific order). Staff are available to recommend based on preferences. People can then choose to purchase an entire bottle. Customers include organised tour groups day tripping or spending longer on the Island.

People *could* come and get a bottle without tasting but in practice this would be rare. The system is not to be understood as a bar or a bottle shop, but more akin to a cellar door arrangement. There are no distilling activities on site (or at all on Bruny Island), but the venue offers a range of Tasmanian whiskies (and gins). There are proposed to be limited bar snacks and light foods and ancillary retail of non-alcoholic items such as alpaca wool scarves, but these are very secondary to the main activity of tasting.

No change is proposed for the existing building at the rear of the site.

As part of discussions with the Council and the Department of State Growth in their capacity as road authority, the Bruny Island House of Whisky is being required to move all car parking from the approved area in the road reserve onto the site. A Traffic Impact Assessment for the proposal including a site plan showing how car parking will be accommodated on site is included in Appendix F.

3.3 Planning scheme amendment

An assessment of the Project has found that an amendment to the standards of the KIPS is required. This section describes the proposed planning scheme amendment. It is understood that Kingborough is currently working to replace the *Kingborough Interim Planning Scheme 2015* with the *Tasmanian Planning Scheme – Kingborough*. This application is intended to proceed on the basis that it can be completed before the transition occurs and subsequently adopted like-for-like into the draft Local Provisions Schedule.

3.3.1 Intent of proposed amendment

The intent of the proposed amendment is to allow an existing business which has operated in its current form for at least seven years with no complaints made to Council, to continue. It is also intended the existing permit to allow the operation of Food Service also be relied upon (there is a current permit in effect for this use of the site). The proposal identified in section 3.2 above is currently Prohibited in the Zone. Therefore, the amendment proposed below in section 3.3.2 is recommended.

3.3.2 Proposed amendment

The proposed amendment takes the form of a Site-Specific Qualification. It would insert the following additional Use Class within the Environmental Living Zone Use Table, Table 14.2:

Table 2 Proposed Site Specific Qualification

Use	Qualification
Discretionary	
Hotel Industry	Only if a tasting house at 360 Lennon Road, North Bruny (CT25139/1) and only if within area shown in Figure 1.0 For the purposes of this use qualification, a liquor tasting facility means the consumption of liquor for tasting or sampling on the premises, and where the land is so used, food for consumption on premises and sale of bottled liquor for consumption off the premises.



Figure 1.0 Tasting house

Various other options were considered, including a rezoning of the site. However, no Zone was found that was appropriate for the site while achieving the goal of allowing the business to continue. For example, the Village, Local Business, and Rural Zones would allow Hotel Industry uses, but did not meet the provisions of Section 8A Guideline 1 for the site. Therefore, it is considered that a Site Specific Qualification is the best way to allow this unique business to continue to operate while maintaining the Zone's underlying purpose.

4. Scheme Amendment Assessment

This section will discuss the amendment described in Section 3.3.2 above.

In accordance with Schedule 6 – Savings and Transitional Provisions of the *Land Use Planning and Approval Amendment (Tasmanian Planning Scheme Act) 2015*, Parts 2A and 3 of the former provisions of the *Land Use Planning and Approvals Act 1993* (the Act) remain in force until a Local Provisions Schedule comes into effect in relation to the municipal area. Kingborough has not yet adopted the Tasmanian Planning Scheme – Kingborough, and still uses the Kingborough Interim Planning Scheme 2015. References to the relevant requirements of the Act in this report are therefore references to requirements in the former provisions of the Act.

This application seeks approval for an amendment in accordance with Section 43A for a combined permit and amendment. The assessment criteria for a request to amend a planning scheme must consider the following:

Section 32

(1) A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A) –

...

(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

(ea) must not conflict with the requirements of section 30O ; and

(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.

(2) The provisions of section 20 (2), (3), (4), (5), (6), (7), (8) and (9) apply to the amendment of a planning scheme in the same manner as they apply to planning schemes.

Section 20 also includes the following:

20(1) (a) seek to further the objectives set out in Schedule 1 within the area covered by the scheme; and

(b) prepare the scheme in accordance with State Policies made under section 11 of the State Policies and Projects Act 1993; and

(c)

(d) have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the Local Government Act 1993 as adopted by the council at the time the planning scheme is prepared; and

(e) have regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.

Each of the criteria is considered in the subsequent sections.

4.1 32(1)(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; ...

The proposal will allow a permit to be issued for the continuation of an existing business which has been operating in its present form on the site for at least seven years. This history demonstrates that potential conflicts in land use are not significant. The existing business is very similar in function to a previously approved restaurant/café on the site, it is simply an anomaly of the Use Class definitions that the sale of alcohol without food is not normally permissible in the Zone. The applicant is seeking approval to do this but may also continue the Food services use of the site.

The road access to the site is in the Utilities Zone, but all other surrounding land is in the Environmental Living Zone. To the extent that some uses in the Hotel Industry Use Class may have the potential to conflict with

development permissible on adjoining land, uses other than “tasting house” remain Prohibited in the Zone. As described in Clause 8.4.2 of the Scheme:

8.4.2 *A change from an individual use to another individual use **whether within the same use class or not** [emphasis added] requires a permit unless the planning scheme specifies otherwise.*

The proposed scheme amendment specifically identifies the “tasting house” use, which means other examples such as pubs or night clubs remain Prohibited on the site in the Zone.

4.2 32(1)(ea)

...must not conflict with the requirements of section 30O; ...

30O(1) of LUPAA (former provisions) requires that the amendment be in accordance with the relevant Regional Land Use Strategy.

The site in the Kingborough Council area is within the area of the Southern Tasmania Regional Land Use Strategy. The tables below provide an assessment of the proposal against the policies of the STRLUS.

4.2.1 Biodiversity and geodiversity policies

Table 3 Biodiversity and Geodiversity Policies

Policy Reference	Policy	Comment
BNV 1	<i>Maintain and manage the region's biodiversity and ecosystems and their resilience to the impacts of climate change</i>	The proposal does not affect the existing environmental protections on the site. Biodiversity and ecosystem values are appropriately managed by the existing planning controls.
BNV 1.1	<i>Manage and protect significant native vegetation at the earliest possible stage of the land use planning process. Where possible, ensure zones that provide for intensive use or development are not applied to areas that retain biodiversity values that are to be recognised and protected by Planning Schemes.</i>	Over 3ha of the site area is native vegetation protected for scenic reasons, and the proposal does not include a development, nor a change in the Zone. The proposed amendment will not encourage or enable greater clearance than would already be permissible under the existing controls.
BNV 1.2	<i>Recognise and protect biodiversity values deemed significant at the local level and ensure that planning schemes:</i> a. <i>specify the spatial area in which biodiversity values are to be recognised and protected (either by textural description or map overlay); and</i> b. <i>implement an 'avoid, minimise, mitigate' hierarchy of actions with respect to development that may impact on recognised and protected biodiversity values.</i>	The site is entirely within the Biodiversity Protection Area. It is not clear whether the site falls into the high, medium or low priority category. No change to the current existing use and development is proposed and the amendment does not change the potential for further protection or the scope for permissible destruction of vegetation on the site. This is considered to be in line with the policy.
BNV 1.3	<i>Provide for the use of biodiversity offsets if, at the local level, it is considered appropriate to compensate for the loss of biodiversity values where that loss is unable to be avoided, minimised or mitigated. Biodiversity offsets:</i>	The is no biodiversity loss created by the proposal and therefore no offset required.

Policy Reference	Policy	Comment
	a. are to be used only as a 'last resort'; b. should provide for a net conservation benefit and security of the offset in perpetuity; and c. are to be based upon 'like for like' wherever possible.	
BNV 1.4	<i>Manage clearance of native vegetation arising from use and development in a manner that is generally consistent across the region but allowing for variances in local values.</i>	There is no proposed clearance of vegetation as a result of the proposal, and no change to the potential for loss compared to the existing situation. The existing planning scheme is capable of managing potential vegetation loss on the site.
BNV 1.5	<i>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.</i>	To the extent that access upgrades must be undertaken to facilitate the proposed change of use, works within the road reserve will require a works permit from the Department of State Growth and a construction management plan will be required in line with this policy.
BNV 1.6	<i>Include in planning schemes preserving climate refugia where there is scientifically accepted spatial data.</i>	The proposal is not of a scale, nor in a location, that lends itself to creating a climate refugium. The potential for the site to form part of a larger area for this purpose is not compromised by the proposal.
BNV 2	<i>Protect threatened native vegetation communities, flora and fauna species, habitat for threatened species and places important for building resilience and adaptation to climate change for these.</i>	The proposal site does not include threatened communities, flora or fauna, or habitat. The site is within the Bruny Island biodiversity protection area. The proposal does not include any use or development that would negatively impact these locally important values or affect the ability of local species to adapt to climate change.
BNV 2.1	<i>Avoid the clearance of threatened native vegetation communities except:</i> a. <i>where the long-term social and economic benefit arising from the use and development facilitated by the clearance outweigh the environmental benefit of retention; and</i> b. <i>where the clearance will not significantly detract from the conservation of that threatened native vegetation community.</i>	There is not a threatened native vegetation community on the site, the provision does not apply. To the extent that the use of this site prevents development elsewhere helps preserve other sites, the policy is supported by this amendment.
BNV 2.2	<i>Minimise clearance of native vegetation communities that provide habitat for threatened species.</i>	The proposal does not include any clearance of native vegetation communities in line with this provision.
BNV 2.3	<i>Advise potential applicants of the requirements of the Threatened Species Protection Act 1995 and their responsibilities under the Environmental Protection and Biodiversity Conservation Act 1999.</i>	The applicant is aware of these responsibilities, but as there are no relevant communities on the site, the provision does not apply.
BNV 3	<i>Protect the biodiversity and conservation values of the Reserve Estate.</i>	The proposal is not for land in the Reserve Estate. The provision does not apply. Adjoining land to the west which is covered by a Conservation Covenant would not be affected by the proposal.

Policy Reference	Policy	Comment
		There is also a Conservation Covenant on non-adjointing land within 30m of the site to the east, this is equally unaffected by the proposal.
BNV 3.1	<i>Include within Planning Schemes requirements to setback and use development from boundaries with reserved land.</i>	The proposal is in relation to use of the land only, and for existing buildings and site areas, as a result there will be no requirement for consideration of boundary setbacks.
BNV 4	<i>Recognise the importance of non land use planning based organisations and their strategies and policies in managing, protecting and enhancing natural values.</i>	Any commentary or representation from interest groups with regard to natural values on the site are enabled through the statutory public notification period.
BNV 4.1	<i>Consult NRM-based organisations as part of the review and monitoring of the Regional Land Use Strategy.</i>	The proposal is not a review of the Regional Land Use Strategy, the provision does not apply.
BNV 5	<i>Prevent the spread of declared weeds under the Weed Management Act 1999 and assist in their removal.</i>	To the extent that works may be required, appropriate construction management will reduce the spread of weeds and any disturbed will be appropriately destroyed in line with this provision.
BNV 5.1	<i>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.</i>	Appropriate construction management can be conditioned as part of any Permit in line with this provision.
BNV 6	<i>Geodiversity:</i>	See subclauses below:
BNV 6.1	<i>Improve knowledge of sites and landscapes with geological, geomorphological, soil or karst features and the value they hold at state or local level.</i>	The site is not identified as having important geological, geomorphological, soil or karst features. The proposal does not affect the potential for these to be identified and protected in future.
BNV 6.2	<i>Progress appropriate actions to recognise and protect those values, through means commensurate with their level of significance (state or local).</i>	The provision does not apply.

4.2.2 Water resources policies

Table 4 Water Resource Policies

Policy Reference	Policy	Comment
WR 1	<i>Protect and manage the ecological health, environmental values and water quality of surface and groundwater, including waterways, wetlands and estuaries</i>	No works proposed within a waterway.
WR 1.1	<i>Ensure use and development is to be undertaken in accordance with the State Policy on Water Quality Management.</i>	This is further considered in section 4.5.2.
WR 1.2	<i>Incorporate total water cycle management and water sensitive urban design principles in land use and infrastructure planning to</i>	The proposal is considered to comply.

Policy Reference	Policy	Comment
	<i>minimise stormwater discharge to rivers (particularly subdivision)</i>	
WR 1.3	<i>Include setback requirements in the planning scheme to protect riparian areas relevant to their classification under the Forest Practices System.</i>	The proposal retains existing buffer areas in compliance with this policy. Logging is not currently carried out on Bruny Island.
WR 1.4	<i>Ensure development that includes vegetation clearance and/or soil disturbance is undertaken in accordance with construction management plans to minimise soil loss and associated sedimentation of waterways and wetlands.</i>	This proposal does not include vegetation clearance and does not increase the potential for clearance compared to the existing situation. Existing planning controls on the site allow construction management to be controlled to protect water quality. The proposal complies with this policy.
WR 2	<i>Manage wetlands and waterways for their water quality, scenic, biodiversity, tourism and recreational values.</i>	No impact expected.
WR 2.1	<i>Manage use and development adjacent to Hydro Lakes in accordance with their classification: Remote Wilderness Lake, Recreational Activity Lake or Multiple Use Lakes.</i>	The site is not adjacent to a Hydro Lake. The policy does not apply.
WR 2.2	<i>Provide public access along waterways via tracks and trails where land tenure allows, where there is management capacity and where impacts on biodiversity, native vegetation and geology can be kept to acceptable levels.</i>	Land tenure does not allow, nor is public access to the waterway necessarily desirable in this location. As no new public access is proposed it is not considered the proposal is contrary to this policy.
WR 2.3	<i>Minimise clearance of native riparian vegetation.</i>	The proposal is for change of use only. Permissible development is not altered and will continue to minimise clearance of vegetation within the existing waterway buffer in accordance with this policy.
WR 2.4	<i>Allow recreation and tourism developments adjacent to waterways where impacts on biodiversity and native vegetation can be kept to acceptable levels.</i>	The existing waterway on site is not obviously of the type intended by this policy. The proposed use is intended for tourists, albeit within the Hotel Industry use class. It is considered that existing controls, including the form of development, are in line with this policy.
WR 3	<i>Encourage the sustainable use of water to decrease pressure on water supplies and reduce long term cost of infrastructure provision</i>	The site is not connected to reticulated water supply and is therefore naturally encouraged to minimise use of rainwater in accordance with this policy.
WR 3.1	<i>Reduce barriers in the planning system for the use of rainwater tanks in residential areas.</i>	This is considered beyond the scope of this application and does not apply.

4.2.3 The coast policies

The site is within 1km of State Waters (see Section 4.5.3) and therefore “coastal” for the purposes of this assessment.

Table 5 The Coast Policies

Policy Reference	Policy	Comment
C 1	<i>Maintain, protect and enhance the biodiversity, landscape, scenic and cultural values of the region's coast.</i>	The proposal maintains the biodiversity, landscape, scenic and cultural values of the Bruny coastline. It neither reduces existing protections, nor curtails potential for future protections to be

Policy Reference	Policy	Comment
		introduced. The proposal is not considered contrary to this policy.
C 1.1	<i>Ensure use and development avoids clearance of coastal native vegetation.</i>	The proposal does not clear coastal native vegetation and does not create new routes for this to occur in the future. It is in compliance with this policy.
C 1.2	<i>Maximise growth within existing settlement boundaries through local area or structure planning for settlements in coastal areas.</i>	The proposal is for change of use of an existing building not within mapped or intuitive settlement boundaries. As such it does not contribute to growth within local settlements, but nor does it reduce the potential for growth within them. This is considered in line with the policy.
C 1.3	<i>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.</i>	The site (with a minimum AHD of around 35m) is not a coastal mudflat, nor actively mobile landform. The policy does not apply.
C 1.4	<i>Zone existing undeveloped land within the coastal area, Environmental Management, Recreation or Open Space unless:</i> <i>(a) The land is utilised for rural resource purposes; or</i> <i>(b) It is land identified for urban expansion through a strategic planning exercise consistent with this Regional Land Use Strategy.</i>	There is existing development on the land and the proposal is not for a rezoning. The policy does not apply.
C 2	<i>Ensure use and development in coastal areas is responsive to effects of climate change including sea level rise, coastal inundation and shoreline recession.</i>	The proposal gives sufficient regard to these risks given its location.
C 2.1	<i>Include provisions in planning schemes relating to minimising risk from sea level rise, storm surge inundation and shoreline recession and identify those areas at high risk through the use of overlays.</i>	This is beyond the scope of this application. The policy clause does not apply.
C 2.2	<i>Ensure growth is located in areas that avoid exacerbating current risk to the community through local area or structure planning for settlements and the Urban Growth Boundary for metropolitan area of Greater Hobart.</i>	The proposal is not for growth of a settlement. The policy clause does not apply.
C 2.3	<i>Identify and protect areas that are likely to provide for the landward retreat of coastal habitats at risk from predicted sea level rise.</i>	The site has a minimum AHD of around 35m. This policy is not applicable.

4.2.4 Managing risks and hazards policies

The Site is mapped for bushfire and some landslip risk.

Table 6 Managing Risks and Hazards Policies

Policy Reference	Policy	Comment
MRH 1	<i>Minimise the risk of loss of life and property from bushfires.</i>	The proposal is in the bushfire-prone area, but is not for a vulnerable or hazardous use, nor subdivision. It is considered that bushfire risk is reasonably managed by building standards and the risk to life and property is appropriately minimised. Any works required to upgrade the existing crossing will be in line with the road authority requirements and have regard to bushfire standards. New driveways within the site will also be constructed to the appropriate standard.
MRH 1.1	<i>Provide for the management and mitigation of bushfire risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by the identification and protection (in perpetuity) of buffer distances or through the design and layout of lots.</i>	The proposal is not for rezoning or subdivision. The current storage level are of alcohol are not to the extent that the proposed use may be hazardous due to a manifest quantity where, appropriate provisions for hazard management, access and water supply exist in the current planning scheme would be required to be made in line with this policy.
MRH 1.2	<i>Ensure subdivision road layout designs provide for safe exit points in areas subject to bushfire hazard.</i>	The proposal is not for subdivision, and no new road is proposed. However, works may be required to improve the crossing in part in line with this provision.
MRH 1.3	<i>Allow clearance of vegetation in areas adjacent to dwellings existing at the time that planning schemes based on this Strategy come into effect, in order to implement bushfire management plans. Where such vegetation is subject to biodiversity code, the extent of clearing allowable is to be the minimum necessary to provide adequate bushfire hazard protection.</i>	The proposal does not restrict clearance of vegetation around existing buildings, in line with this provision.
MRH 1.4	<i>Include provisions in the planning scheme for use and development in bushfire prone areas based upon best practice bushfire risk mitigation and management.</i>	The Bushfire-Prone Areas Code applies to the site but is not relevant to the proposed change of use application. The provision is not relevant.
MRH 1.5	<i>Allow new development (at either the rezoning or development application stage) in bushfire prone areas only where any necessary vegetation clearance for bushfire risk reduction is in accordance with the policies on biodiversity and native vegetation.</i>	The proposal is for change of use only, and not for new development that would require additional clearance of vegetation in line with this policy.
MRH 1.6	<i>Develop and fund a program for regular compliance checks on the maintenance of bushfire management plans by individual landowners.</i>	This is for the local authority and not the individual landowner. The applicant undertakes to maintain relevant bushfire management works. The provision does not apply.
MRH 2	<i>Minimise the risk of loss of life and property from flooding.</i>	The site is not known for flood risk.

Policy Reference	Policy	Comment
MRH 2.1	<i>Provide for the mitigation of flooding risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by avoiding locating sensitive uses in flood prone areas.</i>	The site is not subject to mapped flood risk. The flooding of the bathroom which precipitated the enforcement proceedings was due to works at the creek which negatively impacted stormwater flow. These matters have since been rectified and there is no on-going flood risk at the site.
MRH 2.2	<i>Include provisions in the planning scheme for use and development in flood prone areas based upon best practice in order to manage residual risk.</i>	This is a matter for the Planning Authority. The site is not mapped for flood risk. The provision is not considered to apply.
MRH 3	<i>Protect life and property from possible effects of land instability.</i>	The upper reaches (rear) of the site are partially mapped for low and medium-risk landslip, however no new development is proposed and the area of the lot affected by the proposed change of use is entirely outside the mapped landslip hazard areas. Onsite wastewater disposal is managed with regard to site conditions. The provision is reasonably complied with.
MRH 3.1	<i>Prevent further development in declared landslip zones.</i>	No part of the site is in a declared landslip zone. The proposal meets this provision.
MRH 3.2	<i>Require the design and layout of development to be responsive to the underlying risk of land instability.</i>	The proposal is for change of use only. No new development is proposed. Onsite wastewater disposal is already suitably designed and laid out with regard to underlying risks. The provision does not apply.
MRH 3.3	<i>Allow use and development in areas at risk of land instability only where risk is managed so that it does not cause an undue risk to occupants or users of the site, their property or to the public.</i>	The new use proposed is not a hazardous, vulnerable or critical use. No new development is proposed. The majority of existing development is well clear of mapped risk areas. The proposal complies with the provision.
MRH 4	<i>Protect land and groundwater from site contamination and require progressive remediation of contaminated land where a risk to human health or the environment exists.</i>	The proposed use is not potentially contaminating. There is no known history of contaminating uses on the site. The proposal complies with the provision.
MRH 4.1	<i>Include provisions in the planning scheme requiring the consideration of site contamination issues.</i>	This is for the planning authority. The provision does not apply.
MRH 5	<i>Respond to the risk of soil erosion and dispersive and acid sulfate soils.</i>	The site is not identified for any of the named risks. It is at AHD 35m and on a modest slope. Only minor work associated with an already heavily disturbed part of the site is proposed by this proposal which will result in change of use application. Additional potential development as a result of the scheme amendment is also insignificant compared to the current capacity of the site. Any earthworks will have appropriate regard to the potential for soil erosion. The provision is reasonably met.
MRH 5.1	<i>Prevent further subdivision or development in areas containing sodic soils unless it does not create undue risk to the occupants or users of the site, their property or to the public.</i>	The site is not capable of subdivision and the proposal will not create any capacity. The soil is not known to be sodic. The proposal meets the provision.
MRH 5.2	<i>Wherever possible, ensure development avoid disturbance of soils identified as containing acid sulfate soils. If disturbance is unavoidable then require</i>	Only minor earthwork is proposed. The site is not identified as having acid sulfate soils. The application complies with this provision.

Policy Reference	Policy	Comment
	<i>management to be undertaken in accordance with the Acid Sulfate Soils Management Guidelines prepared by the Department of Primary Industries.</i>	

4.2.5 Cultural values policies

The site is not previously identified for cultural values.

Table 7 Cultural Values Policies

Policy Reference	Policy	Comment
CV 1	<i>Recognise, retain and protect Aboriginal 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.</i>	There is nothing known on this site specifically. Appendix B contains a search record showing this and an unanticipated discovery plan should anything be discovered.
CV 1.1	<i>Support the completion of the review of the Aboriginal Relics Act 1975 including the assimilation of new Aboriginal heritage legislation with the RMPS.</i>	This is beyond the scope of this application and not considered to apply.
CV 1.2	<i>Improve our knowledge of Aboriginal heritage places to a level equal to that for European cultural heritage, in partnership with the Aboriginal community.</i>	The site is not identified for Aboriginal heritage. The policy is not considered to apply.
CV 1.3	<i>Avoid the allocation of land use growth opportunities in areas where Aboriginal cultural heritage values are known to exist.</i>	The proposal does not constitute growth opportunities, nor is the site known for Aboriginal cultural heritage values. The policy is not considered to apply.
CV 1.4	<i>Support the use of predictive modelling to assist in identifying the likely presence of Aboriginal heritage values that can then be taken into account in specific strategic land use planning processes.</i>	This is considered beyond the scope of this application. If predictive modelling shows the site has potential, the potential to address this is not curtailed in line with this policy.
CV 2	<i>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.</i>	The applicant may be encouraged to incorporate regional heritage within their offering should the proposal be accepted by the Planning Authority but this is considered beyond the scope of the application and does not apply.
CV 2.1	<i>Support the completion of the review of the Historic Cultural Heritage Act 1995.</i>	This is beyond the scope of the proposal. It is not relevant.
CV 2.2	<i>Promulgate the nationally adopted tiered approach to the recognition of heritage values and progress towards the relative categorisation of listed places as follows:</i> <i>a. places of local significance are to be listed within Heritage Codes contained within planning schemes, as</i>	The site is not considered of historic cultural heritage significance and is not listed, in line with this policy.

Policy Reference	Policy	Comment
	<i>determined by the local Council.</i> <i>b. places of state significance are to be listed within the Tasmanian Heritage Register, as determined by the Tasmanian Heritage Council.</i> <i>c. places of national or international significance are listed through national mechanisms as determined by the Australian Government.</i>	
CV 2.3	<i>Progress towards a system wherein the assessment and determination of applications for development affecting places of significance is undertaken at the level of government appropriate to the level of significance:</i> <i>a. Heritage places of local significance: by the local Council acting as a Planning Authority.</i> <i>b. Heritage places of state significance: by the Tasmanian Heritage Council on behalf of the State Government with respect to heritage values, and by the local Council with respect to other land use planning considerations, with coordination and integration between the two.</i>	The proposal is not a heritage-listed site. No assessment is necessary. In addition, this is beyond the scope of the proposal. The policy is not relevant.
CV 2.4	<i>Recognise and list heritage precincts within planning scheme Heritage Code and spatially define them by associated overlays on planning scheme maps.</i>	The site is not part of a heritage precinct and this is beyond the scope of the application. The policy is not relevant.
CV 2.5	<i>Base heritage management upon the Burra Charter and the HERCON Criteria, with heritage code provisions in planning schemes drafted to conform with relevant principles therein.</i>	The policy is not relevant as it is beyond the scope of the application.
CV 2.6	<i>Standardise statutory heritage management at the local level as much as possible.</i> <i>a. Listings in the planning scheme should be based on a common regional inventory template, (recognising that not all listings will include all details due to knowledge gaps).</i> <i>b. Heritage code provisions in planning schemes should be consistent in structure and expression, whilst providing for individual statements in regard to heritage values and associated tailored development control.</i>	The policy is not relevant as it is beyond the scope of the application.

Policy Reference	Policy	Comment
CV 2.7	<i>Provide a degree of flexibility to enable consideration of development applications involving the adaptive reuse of heritage buildings that might otherwise be prohibited.</i>	The policy is not relevant as it is beyond the scope of the application.
CV 3	<i>Undertake the statutory recognition (listing) and management of heritage values in an open and transparent fashion in which the views of the community are taken into consideration.</i>	The policy is not relevant as it is beyond the scope of the application.
CV 3.1	<i>Heritage Studies or Inventories should be open to public comment and consultation prior to their finalisation.</i>	The policy is not relevant as it is beyond the scope of the application.
CV 4	<i>Recognise and manage significant cultural landscapes throughout the region to protect their key values.</i>	The policy is not relevant as it is beyond the scope of the application.
CV 4.1	<i>State and local government, in consultation with the community, to determine an agreed set of criteria for determining the relative significance of important landscapes and key landscape values.</i>	The policy is not relevant as it is beyond the scope of the application.
CV 4.2	<i>Ensure the key values of regionally significant landscapes are not significantly compromised by new development through appropriate provisions within planning schemes.</i>	Part of the site is covered by the Scenic Protection Code, but the proposal is for change of use only and no additional development will be permissible as a result of the scheme amendment compared to the existing situation. The proposal is in line with this policy.
CV 4.3	<i>Protect existing identified key skylines and ridgelines around Greater Hobart by limited development potential and therefore clearance through the zones in planning schemes.</i>	The site is not a skyline or ridgeline in Greater Hobart. The policy does not apply.
CV 5	<i>Recognise and manage archaeological values throughout the region to preserve their key values.</i>	The site is not identified as having archaeological value. The policy is not relevant.
CV 5.1	<i>Known archaeological sites of significance to be considered for listing as places of either local or state significance within Heritage Codes or on the State Heritage Register respectively, as appropriate.</i>	The site is not known for archaeological potential. The policy is not relevant.
CV 5.2	<i>Ensure development that includes soil disturbance within archaeology zones of significance is undertaken in accordance with archaeological management plans to ensure values are not lost, or are recorded, conserved and appropriately stored if no reasonable alternative to their removal exists.</i>	The site is not known for archaeological potential and the proposed change of use will not disturb any soil. The policy is not considered to apply.

4.2.6 Recreation and open space policies

Bruny Island contains an abundance of recreational and open spaces, and their use is predominantly by visitors to the island rather than residents.

Table 8 *Recreation and Open Space Policies*

Policy Reference	Policy	Comment
ROS 1	<i>Plan for an integrated open space and recreation system that responds to existing and emerging needs in the community and contributes to social inclusion, community connectivity, community health and well being, amenity, environmental sustainability and the economy.</i>	The proposal would not add or remove public open spaces, and this is considered beyond the scope of this application. The proposal would not create additional demand for public open space though residential subdivision. The policy does not apply.
ROS 1.1	<i>Adopt an open space hierarchy consistent with the Tasmanian Open Space Policy and Planning Framework 2010, as follows;</i> <i>a. Local;</i> <i>b. District</i> <i>c. Sub-regional;</i> <i>d. Regional;</i> <i>e. State;</i> <i>f. National.</i>	This policy is beyond the scope of this application and does not apply.
ROS 1.2	<i>Adopt an open space classification system consistent with the Tasmanian Open Space Policy and Planning Framework 2010, as follows;</i> <i>a. Parks;</i> <i>b. Outdoor Sports Venues;</i> <i>c. Landscape and Amenity;</i> <i>d. Linear and Linkage;</i> <i>e. Foreshore and waterway;</i> <i>f. Conservation and Heritage;</i> <i>g. Utilities and Services; and</i> <i>h. Proposed Open Space.</i>	This policy is beyond the scope of this application and does not apply.
ROS 1.3	<i>Undertake a regional open space study, including a gap analysis, to establish a regional hierarchy within a classification system for open space in accordance with the Tasmanian Open Space Policy and Planning Framework 2010.</i>	This policy is beyond the scope of this application and does not apply.
ROS 1.4	<i>Undertake local open space planning projects through processes consistent with those outlined in the Tasmanian Open Space Policy and Planning Framework 2010 (Appendix 3).</i>	This policy is beyond the scope of this application and does not apply.
ROS 1.5	<i>Ensure residential areas, open spaces and other community destinations that are well connected with a network of high-quality walking and cycling routes.</i>	This policy is beyond the scope of this application and does not apply.

Policy Reference	Policy	Comment
ROS 1.6	<i>Ensure subdivision and development is consistent with the principles outlined in 'Healthy by Design: A Guide to Planning and Designing Environments for Active Living in Tasmania'.</i>	This policy is beyond the scope of this application and does not apply.
ROS 2	<i>Maintain a regional approach to the planning, construction, management, and maintenance of major sporting facilities to protect the viability of existing and future facilities and minimise overall costs to the community.</i>	This policy is beyond the scope of this application and does not apply.
ROS 2.1	<i>Avoid unnecessary duplication of recreational facilities across the region.</i>	This policy is beyond the scope of this application and does not apply.

4.2.7 Social infrastructure policies

Table 9 Social Infrastructure Policies

Policy Reference	Policy	Comment
SI 1	<i>Provide high quality social and community facilities to meet the education, health and care needs of the community and facilitate healthy, happy and productive lives.</i>	This policy is beyond the scope of this application and does not apply.
SI 1.1	<i>Recognise the significance of the Royal Hobart Hospital and support, through planning scheme provisions, its ongoing function and redevelopment in its current location.</i>	The Royal Hobart Hospital is almost 30km away. This policy is beyond the scope of this application and does not apply.
SI 1.2	<i>Match location and delivery of social infrastructure with the needs of the community and, where relevant, in sequence with residential land release</i>	There is no intention to provide significant new residential land in this area, nor is the proposal social infrastructure. This policy is beyond the scope of this application and does not apply.
SI 1.3	<i>Provide social infrastructure that is well located and accessible in relation to residential development, public transport services, employment and education opportunities.</i>	This policy is beyond the scope of this application and does not apply.
SI 1.4	<i>Identify and protect sites for social infrastructure, particularly in high social dependency areas, targeted urban growth areas (both infill and greenfield) and in identified Activity Centres</i>	Bruny Island has historically been a high social dependency area but this is changing. It is not a targeted urban growth area. Alonnah is listed in Table 3: Growth management strategies for settlements as a township or a village. Adventure Bay is listed as a village and all other settlements are not categorised. The site is not likely to be required for social infrastructure in line with this policy.
SI 1.5	<i>Provide multi-purpose, flexible and adaptable social infrastructure that can respond to changing and emerging community needs over time.</i>	This policy is beyond the scope of this application and does not apply.
SI 1.6	<i>Co-locate and integrate community facilities and services to improve service delivery and form</i>	This policy is beyond the scope of this application and does not apply.

Policy Reference	Policy	Comment
	<i>accessible hubs and focus points for community activity, in a manner consistent with the Activity Centre hierarchy.</i>	
SI 1.7	<i>Provide flexibility in planning schemes for the development of aged care and nursing home facilities in areas close to an Activity Centre and with access to public transport.</i>	The site is not near an Activity Centre and is not served by public transport. This policy is beyond the scope of this application and does not apply.
SI 1.8	<i>Provide for the aged to continue living within their communities, and with their families, for as long as possible by providing appropriate options and flexibility within the planning scheme.</i>	This policy is beyond the scope of this application and does not apply.
SI 1.9	<i>Ensure relevant planning scheme provisions include Crime Prevention through Environmental Design principles</i>	This policy is beyond the scope of this application and does not apply.
SI 1.10	<i>Recognise the role of the building approvals processes in providing access for people with disabilities</i>	This policy is beyond the scope of this application and does not apply.
SI 2	<i>Provide for the broad distribution and variety of social housing in areas with good public transport accessibility or in proximity to employment, education and other community services.</i>	The site does not have public transport accessibility nor is it in proximity to significant employment, education or other community services. This policy is beyond the scope of this application and does not apply.
SI 2.1	<i>Provide flexibility in the planning scheme for a variety of housing types (including alternative housing models) in residential areas.</i>	The proposal does not change the variety of housing permissible on the site. This policy is beyond the scope of this application and does not apply.
SI 2.2	<i>Ensure planning schemes do not prevent the establishment of social housing in residential areas.</i>	The proposal will not prevent the potential for social housing in a residential area. This policy is beyond the scope of this application and does not apply.

4.2.8 Physical infrastructure policies

Table 10 Physical Infrastructure Policies

Policy Reference	Policy	Comment
PI 1	<i>Maximise the efficiency of existing physical infrastructure.</i>	The proposal makes use of existing infrastructure and is considered in line with this policy. Improving the existing crossing to the road will benefit the carriageway with reduced wear and tear as vehicles enter and leave.
PI 1.1	<i>Preference growth that utilises under-capacity of existing infrastructure through the regional settlement strategy and Urban Growth Boundary for metropolitan area of Greater Hobart.</i>	Although there are few services provided to the site, the proposal is for a change of use only and does not constitute significant intensification of existing uses, therefore not requiring new infrastructure.
PI 1.2	<i>Provide for small residential scale energy generation facilities in the planning scheme.</i>	Using existing exemptions within the planning scheme, the proponent can already choose to install electricity generation capacity in line with this policy.

Policy Reference	Policy	Comment
PI 2	<i>Plan, coordinate and deliver physical infrastructure and servicing in a timely manner to support the regional settlement pattern and specific growth management strategies.</i>	The proposal is of a scale commensurate with existing infrastructure and infrastructure plans for Bruny Island in line with this policy.
PI 2.1	<i>Use the provision of infrastructure to support desired regional growth, cohesive urban and rural communities, more compact and sustainable urban form and economic development.</i>	This is beyond the scope of the application and the policy does not apply. The proposal does not undermine broader strategies to achieve these aims.
PI 2.2	<i>Coordinate, prioritise and sequence the supply of infrastructure throughout the region at regional, sub-regional and local levels, including matching reticulated services with the settlement network.</i>	This is beyond the scope of the application and the policy does not apply.
PI 2.3	<i>Identify, protect and manage existing and future infrastructure corridors and sites.</i>	The existing Utility Zone covering Lennon Road, a category 5 road is considered a sufficient infrastructure corridor and is not threatened by the proposal.
PI 2.4	<i>Use information from the Regional Land Use Strategy, including demographic and dwelling forecasts and the growth management strategies, to inform infrastructure planning and service delivery.</i>	This is beyond the scope of the application and the policy does not apply.
PI 2.5	<i>Develop a regionally consistent framework(s) for developer charges associated with infrastructure provision, ensuring that pricing signals associated with the provision of physical infrastructure (particularly water and sewerage) is consistent with the Regional Land Use Strategy.</i>	This is beyond the scope of the application and the policy does not apply.
PI 2.6	<i>Ensure electricity generation and major transmission assets within the planning scheme to provide for continued electricity supply.</i>	This is beyond the scope of the application and the policy does not apply.

4.2.9 Land use transport integration policies

Table 11 Land Use Transport Integration Policies

Policy Reference	Policy	Comment
LUTI 1	<i>Develop and maintain an integrated transport and land use planning system that supports economic growth, accessibility and modal choice in an efficient, safe and sustainable manner.</i>	This is beyond the scope of the application and the policy does not apply.
LUTI 1.1	<i>Give preference to urban expansion that is in physical proximity to existing transport corridors and the higher order Activity Centres rather than Urban Satellites or dormitory suburbs.</i>	The proposal is not of a scale to constitutes urban expansion and is appropriate with regard to this policy.

Policy Reference	Policy	Comment
LUTI 1.2	<i>Allow higher density residential and mixed use developments within 400 metres, and possibly up to 800 metres (subject to topographic and heritage constraints) of integrated transit corridors.</i>	The site is not for medium- or high-density residential and is not within 800m or 400m of a transport corridor. The policy does not apply.
LUTI 1.3	<i>Encourage residential development above ground floor level in the Primary, Principal and Major Activity Centres.</i>	The proposal is not for Residential use. The site is not a Primary, Principal or Major Activity Centre. The policy does not apply.
LUTI 1.4	<i>Consolidate residential development outside of Greater Hobart into key settlements where the daily and weekly needs of residents are met.</i>	The proposal is not for residential development and will not allow additional residential development outside Greater Hobart or key settlements. The policy does not apply.
LUTI 1.5	<i>Locate major trip generating activities in close proximity to existing public transport routes and existing higher order activity centres.</i>	The site is not considered a major trip generating activity. The policy does not apply.
LUTI 1.6	<i>Maximise road connections between existing and potential future roads with new roads proposed as part of the design and layout of subdivision.</i>	No new roads are proposed. The policy does not apply.
LUTI 1.7	<i>Protect major regional and urban transport corridors through the planning scheme as identified in Maps 3 & 4.</i>	Although Lennon Road is a State Road, the site is not within a major regional or urban transport corridor. The policy does not apply.
LUTI 1.8	<i>Ensure new development incorporates buffer distances to regional transport corridors identified in Map 4 to minimise further land use conflict.</i>	The proposal is for a change of use from a non-sensitive use to a non-sensitive use. The site is not within a regional transport corridor as identified in Map 4. The provision does not apply.
LUTI 1.9	<i>Ensure car parking requirements in planning schemes and provision of public car parking is consistent with achieving increased usage of public transport.</i>	There is no public transport to the site, and existing parking controls are sufficient to provide for access. This is considered beyond the scope of the application and does not apply.
LUTI 1.10	<i>Identify and protect ferry infrastructure points on the Derwent River (Sullivans Cove, Kangaroo Bay and Wilkinson Point) for their potential use into the future and encourage increased densities and activity around these nodes.</i>	The site is not on the Derwent River. The policy does not apply.
LUTI 1.11	<i>Encourage walking and cycling as alternative modes of transport through the provision of suitable infrastructure and developing safe, attractive and convenient walking and cycling environments.</i>	This is beyond the scope of this application and the provision does not apply.
LUTI 1.12	<i>Include requirements in planning schemes for end-of-trip facilities in employment generating developments that support active transport modes.</i>	The proposal is not suited to active transport modes as Lennon Road lacks safe pathways for non-motorised vehicles. Facilities for employees could be provided in line with this policy if desired.

4.2.10 Tourism policies

Although not proposed as a Tourist Operation Use Class, the existing Bruny Island House of Whisky is clearly not solely for locals but intended both to draw visitors to the island in its own right, and to take advantage of passing tourists who are seeking one or more of the island's other tourist attractions. The following policies have been considered with this in mind.

Table 12 *Tourism Policies*

Policy Reference	Policy	Comment
<i>T 1</i>	<i>Provide for innovative and sustainable tourism for the region</i>	The proposal supports an existing tourism-generating business capitalising on Bruny Island's reputation for high-end produce and finished goods. The business supports Tasmanian producers. A number of similar ventures are occurring with cider and wine also available on the Island. The land use and transport associated is considered sustainable.
<i>T 1.1</i>	<i>Protect and enhance authentic and distinctive local features and landscapes throughout the region.</i>	The proposal will contribute towards protecting the existing scenic values in the rear of the site and promote views to Sykes Cove.
<i>T 1.2</i>	<i>Identify and protect regional landscapes, which contribute to the region's sense of place, through planning schemes.</i>	The proposal does not propose to amend the existing Scenic overlay on the site.
<i>T 1.3</i>	<i>Allow for tourism use in the rural and significant agriculture zones where it supports the use of the land for primary production.</i>	The site is not in the Rural Zone or Agriculture Zone. The provision is not considered to apply.
<i>T 1.4</i>	<i>Provide flexibility for the use of holiday homes (a residential use) for occasional short-term accommodation.</i>	The proposal will not alter the ability of the building on the site to be used for short-term accommodation in line with existing provisions of the planning scheme.
<i>T 1.5</i>	<i>Provide flexibility within commercial and business zones for mixed use developments incorporating tourism related use and development.</i>	The site is not in a commercial or business zone. The provision is not considered to apply.
<i>T 1.6</i>	<i>Recognise, planning schemes may not always be able to accommodate the proposed tourism use and development due to its innovative and responsive nature.</i>	The existing Bruny Island House of Whisky has grown out of an approved Food Service business on the site. It changed over time in response to demand and the interests of the owner and patrons. This amendment seeks to allow this innovative and responsive tourism use which – as evidenced by the lack of complaints in the time it has been operating – is compatible with the area's otherwise residential nature. The proposal for a Site-specific Qualification is in recognition that the planning scheme does not contain a suitable Zone to accommodate the proposed use given the site characteristics and is considered an appropriate response to this. The proposal supports this policy.
<i>T 1.7</i>	<i>Allow for objective site suitability assessment of proposed tourism use and development through existing non-planning scheme based approval processes (section 43A application).</i>	The site is considered suitable for the existing use, and the current application is considered equivalent to the (now) S40T process. The proposed SSQ is an appropriate response to changing owner and visitor tastes – a preference for whisky over coffee – which is otherwise fundamentally similar in terms of being service a beverage, except that alcohol changes the Use Class and the existing approval for Food Services on the site ceases to apply. The site has proven suitable for the existing use which is basically the same as the approved use. There is no appropriate Zone for the use on the land. The proposal uses a SSQ to fix as anomaly of the planning scheme that rightly restricts pubs and bottle shops but fails to anticipate a tasting house.

4.2.11 Strategic economic opportunities policies

Although tourism, in particular high-end tourism trade that is likely to visit the Bruny Island House of Whisky, is recognised as a major economic opportunity, the proposal is not of a scale considered relevant to this policy.

Table 13 Strategic Economic Opportunities Policies

Policy Reference	Policy	Comment
SEO 1	<i>Support and protect strategic economic opportunities for Southern Tasmania.</i>	The proposal contributes to the strategic economic opportunity of tourism on the island but is not in itself of a scale to which this policy might apply.
SEO 1.1	<i>Protect the following key sites and areas from use and development which would compromise their strategic economic potential through the planning scheme provisions:</i> <i>a. Hobart Port (including Macquarie and Princes Wharves);</i> <i>b. Macquarie Point rail yards; and</i> <i>c. Princes of Wales Bay marine industry precinct.</i>	The proposal will not compromise development on the identified key sites in line with this policy.
SEO 1.2	<i>Include place specific provisions for the Sullivans Cove area in the planning scheme.</i>	The site is not in Sullivans Cove and the provision is considered beyond the scope of the application. The policy does not apply.
SEO 1.3	<i>Recognise the regional economic importance of Southwood through specific planning provisions within the planning scheme that allow for its expansion and use by timber, mineral or other primary industries benefiting from its strategic location.</i>	The site is not on or adjacent to Southwood. The policy does not apply.

4.2.12 Productive resources policies

The definition of agricultural land in the Scheme is:

...means 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 site is in a residential zone (Environmental Living) which is a low-density use that nevertheless does not assume productive agriculture is appropriate. The site was excluded from an assessment of agricultural potential. Based on this, the below policies are not considered to apply to the proposal. To the extent they may apply, the proposal for a Site-Specific Qualification allowing the existing Hotel Industry use to continue is not considered to conflict.

Table 14 Productive Resources Policies

Policy Reference	Policy	Comment
PR 1	<i>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.</i>	The subject land is not considered agricultural and is not mapped for such uses, the provision does not apply.
PR 1.1	<i>Utilise the "Significant Agriculture Zone" to identify regionally significant agricultural land in</i>	The proposal will not change the Zone on the site. The provision is not considered to apply.

Policy Reference	Policy	Comment
	<i>planning schemes and manage that land consistently across the region.</i>	
PR 1.2	<i>Avoid potential for further fettering from residential development by setting an acceptable solution buffer distance of 200 metres from the boundary of the Significant Agriculture Zone, within which planning schemes are to manage potential for land use conflict.</i>	The site is at least 200m from the Rural Resource Zone, which is identified as Rural in the currently available draft Local Provisions Schedule. Therefore, the site is well over 200m from the nearest likely Agriculture Zone. The proposal is not for a new Residential use, there would be no additional potential conflict even if land nearby ultimately zoned Agriculture is. The proposal complies.
PR 1.3	<i>Allow for ancillary and/or subservient non-agricultural uses that assist in providing income to support ongoing agricultural production.</i>	The site is residential and does not support agricultural production. The provision does not apply.
PR 1.4	<i>Prevent further land fragmentation by restricting subdivision unless necessary to facilitate the use of the land for agriculture.</i>	The site is not in the Agriculture Zone, and the proposal would not increase the subdivision potential of the land. The provision does not apply.
PR 1.5	<i>Minimise the use of significant agricultural land for plantation forestry.</i>	The site is not prime agricultural land, not would the proposal increase the likelihood of plantation forestry on the land. The provision does not apply.
PR 2	<i>Manage and protect the value of non-significant agricultural land in a manner that recognises the sub regional diversity in land and production characteristics.</i>	The site is in a Rural Living Zone. The proposed change of use will not affect any non-significant agricultural land.
PR 2.1	<i>Tailor planning scheme standards, particularly the minimum lot size for subdivision, according to the designated subregion.</i>	The proposal is not for a rezoning, and the land is already zoned for Residential use. The provision does not apply.
PR 2.2	<i>Ensure the minimum lot size takes into account the optimum size for the predominating agricultural enterprise within that subregion.</i>	The proposal is not for onsite processing of primary production. The equivalent Zone in the Tasmanian Planning Scheme, "Landscape Conservation" does contain opportunities for this sort of development in line with the policy. However, the policy does not apply.
PR 2.3	<i>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 particular agricultural enterprises</i>	To the extent that the land could be used for primary production, the proposal for a commercial tourism use does not additionally limit its potential, in line with this policy.
PR 2.4	<i>Ensure opportunities for down-stream processing of agricultural products are supported in appropriate locations or 'on-farm' where appropriate supporting infrastructure exists and the use does not create off-site impacts</i>	The site already contains a building and the proposal is not for a sensitive use. The site and all land within 200m is in a Residential Zone. The provision does not apply.
PR 2.5	<i>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</i>	The site is not in agricultural use. The change of use from café to tasting house is a more clearly tourist-oriented enterprise. The proposal is in line with this proposal.
PR 3	<i>Support and protect regionally significant extractive industries.</i>	The proposal does not affect regionally significant extractive industries. The provision does not apply.

Policy Reference	Policy	Comment
PR 3.1	<i>Ensure existing regionally significant extractive industry sites are zoned either General Industry or Rural Resource and are protected by appropriate attenuation areas in which the establishment of new sensitive uses, such as dwellings, is restricted.</i>	The site is not an existing regionally significant extractive use, nor is it within an existing attenuation area that would require assessment. The provision does not apply.
PR 4	<i>Support the aquaculture industry.</i>	The proposal does not harm the aquaculture industry, noting the proximity to the D'Entrecasteaux Channel & Huon River Marine Farming Development Plan Area and existing marine farm leases.
PR 4.1	<i>Ensure appropriately zoned land on the coast in strategic locations, and in accordance with The Coast Regional Policies, for shore-based aquaculture facilities necessary to support marine farming.</i>	The site does not have access to the water. The proposal does not curtail the opportunity to provide shore facilities nearby. The provision is not considered to apply.
PR 4.2	<i>Identify key marine farming areas to assist in reducing potential land use conflicts from an increasingly industrialised industry.</i>	The site does not have access to the water. The proposed use is not considered to conflict with existing or potential marine farming processes in the vicinity.
PR 5	<i>Support the forest industry.</i>	The proposal does not harm the forest industry. For this and subsequent policies it should be noted that logging on the island has virtually ceased since 2005.
PR 5.1	<i>Ensure working forests, including State Forests and Private Timber Reserves (for commercial forestry), are zoned Rural Resource.</i>	The site is not a working forest. A large private timber reserve just under 500m to the south (identified by the Land Use 2021 layer, but largely protected for biodiversity and scenic reasons) will not be adversely affected by the proposal.
PR 5.2	<i>Recognise the Forest Practices System as appropriate to evaluate the clearance and conversion of native vegetation for commercial forestry purposes.</i>	The proposal is not for forestry. The provision is not considered to apply.
PR 5.3	<i>Allow for plantations in the rural resource zone subject to setbacks from existing dwellings.</i>	The proposal is not for forestry. The provision is not considered to apply.
PR 5.4 [sic]	<i>Control the establishment of new dwellings in proximity to State Forests, Private Timber Reserves or plantations so as to eliminate the potential for land use conflict.</i>	The proposal does not impact on this policy.

4.2.13 Industrial activity policies

The site is in a residential zone and the proposed amendment is not for an industrial use. The provisions are largely not applicable.

Table 15 Industrial Activity Policies

Policy Reference	Policy	Comment
IA 1	<i>Identify, protect and manage the supply of well-sited industrial land that will meet regional need across the 5, 15 and 30 year horizons.</i>	This is a matter for larger strategic plans. The proposal does not identify new industrial land, nor alienate land so protected from its potential industrial use.
IA 1.1	<i>Ensure industrial land is relatively flat and enables easy access to major transport routes, other physical infrastructure such as water, wastewater, electricity, and telecommunications.</i>	The site is not industrial land, the provision does not apply. The site has access to a category 5 road but this is not a major transport route, added to the isolation of the Island and the fact the site is not flat means it is not suitable for such identification.
IA 1.2	<i>Locate new industrial areas away from sensitive land uses such as residentially zoned land.</i>	The proposal is not for a new industrial area. The provision does not apply. The site is a Residential Zone and surrounded by the same. It is not suitable for such identification.
IA 1.3	<i>Provide for a 30-year supply of industrial land, protecting such land from use and development that would preclude its future conversion to industrial land use – in accordance with the recommendations within the Southern Tasmania Industrial Land Strategy 2013.</i>	The proposal does not identify new industrial land, nor alienate land so protected from its potential industrial use. Bruny Island is not mentioned in the strategy.
IA 1.4	<i>Provide a 15-year supply of industrial land, zoned for industrial purposes within the new planning schemes – in accordance with the recommendations within the Southern Tasmania Industrial Land Strategy 2013.</i>	The proposal does not identify new industrial land, nor alienate land so protected from its potential industrial use. Bruny Island is not mentioned in the strategy.
IA 1.5	<i>Aim to provide a minimum 5-year supply of subdivided and fully serviced industrial land.</i>	The proposal does not identify new industrial land, nor alienate land so protected from its potential industrial use. Bruny Island is not mentioned in the strategy.
IA 1.6	<i>Take into account the impact on regional industrial land supply, using best available data, prior to rezoning existing industrial land to nonindustrial purposes.</i>	The proposal is not to rezone existing industrial land. The provision is not considered to apply.
IA 2	<i>Protect and manage existing strategically located export orientated industries.</i>	Although tourism brings in foreign exchange income, the site is not a strategically located export-oriented industry of the type meant by this policy. The provision does not apply.
IA 2.1	<i>Identify significant industrial sites through zoning and ensure that other industrial uses not related to its existing function do not diminish its strategic importance.</i>	The proposal does not identify new industrial land, nor alienate land so protected from its potential industrial use.
IA 3	<i>Ensure industrial development occurs in a manner that minimises regional environmental impacts and protects environmental values.</i>	The proposal is not for new industrial development. The provision does not apply. Location away from Bruny Island will help minimise regional environmental impacts in line with this policy.

Policy Reference	Policy	Comment
IA 3.1	<i>Take into account environmental values and the potential environmental impacts of future industrial use and the ability to manage these in the identification of future industrial land.</i>	The proposal is not for new industrial development, nor will it facilitate new industrial development. The provision does not apply.

4.2.14 Activity Centre policies

The site is not within an Activity Centre, and the proposal is not of a scale that threatens existing Activity Centres or the overall hierarchy in Southern Tasmania. Fundamentally, the proposal is a reuse of an existing building and would not further erode the Activity Centre hierarchy. By catering principally to travellers in the unique environment of Bruny Island, the proposal is not contrary to the following policies.

Table 16 Activity Centre Policies

Policy Reference	Policy	Comment
AC 1	<i>Focus employment, retail and commercial uses, community services and opportunities for social interaction in well-planned, vibrant and accessible regional activity centres that are provided with a high level of amenity and with good transport links with residential areas.</i>	The proposal is for change of use of an existing approved Food Services business. It does not create new employment, retail or commercial uses outside of an identified Activity Centre. New services for residents should be focussed in the existing settlements, particularly Alonnah and Adventure Bay which are specifically mentioned in the Settlement Hierarchy. However, this type of tourist-oriented development is not inappropriate for an isolated location as that contributes to the attraction.
AC 1.1	<i>Implement the Activity Centre Network through the delivery of retail, commercial, business, administration, social and community and passenger transport facilities.</i>	This is considered beyond the scope of the proposal and not relevant.
AC 1.2	<i>Utilise the Central Business, General Business, Local Business Zones to deliver the activity centre network through planning schemes, providing for a range of land uses in each zone appropriate to the role and function of that centre in the network.</i>	The proposal is not for a rezoning and does not include land within an Activity Centre. Strategic work should go into structure planning of Alonnah and Adventure Bay, and crucially the proposed change of use at this site will not undermine that work. General Business and Central Business were not considered because it is obvious they are not appropriate at the site. The Local Business Zone was considered as an option instead of the Site Specific Qualification but this was finally considered not to meet the provisions of Section 8A Guideline 1.
AC 1.3	<i>Discourage out-of-centre development by only providing for in-centre development within planning schemes.</i>	The proposal is not for a new out-of-centre development, but a change of use for an existing approved development. Therefore, the proposal is not contrary to this provision.
AC 1.4	<i>Promote a greater emphasis on the role of activity centres, particularly neighbourhood and local activity centres, in revitalising and strengthening the local community.</i>	The proposal is for change of use of an existing business. It is not contrary to this provision.
AC 1.5	<i>Ensure high quality urban design and pedestrian amenity through the respective development standards.</i>	The proposal is for a very low-density residential Zone. There is no footpath on Lennon Road and no one is expected to access the site on foot. The provision is not considered relevant.
AC 1.6	<i>Encourage an appropriate mix of uses in activity centres to create multi-functional activity in those centres.</i>	The site is not in an Activity Centre. The provision is not considered to apply. The proposal does not undermine the potential for an appropriate mix in activity centres in line with this provision.

Policy Reference	Policy	Comment
AC 1.7	<i>Improve the integration of public transport with Activity Centre planning, particularly where it relates to higher order activity centres.</i>	There is no public transport on Bruny Island. The site is not in an Activity Centre. The provision is not considered to apply.
AC 1.8	<i>Ensure that new development and redevelopment in established urban areas reinforce the strengths and individual character of the urban area in which the development occurs.</i>	The proposal is for change of use of an existing development. Even outside the urban areas on the island, this is considered generally in line with the policy.
AC 1.9	<i>Require active street frontage layouts instead of parking lot dominant retailing, with the exception of Specialist Activity Centres if the defined character or purpose requires otherwise.</i>	The site does not offer car parking in the frontage (the spaces are actually within the road reserve). There is no footpath on Lennon Road. The proposal is considered generally in line with this policy.
AC 1.10	<i>Activity centres should encourage local employment, although in most cases this will consist of small scale businesses servicing the local or district areas.</i>	The proposal draws staff from the island where possible, noting that its purpose is to attract tourists and take advantage of passing tourism trade rather than serve the daily needs of the local community. The site is outside the Activity Centres but does not threaten development within them and is considered broadly in line with this policy. Bruny Island does not have any dedicated commercial zones – even the strip of shops at Adventure Bay and the existing pub at Alonnah are in the Village Zone. The nature of development on the island is that businesses are scattered.
AC 1.11	<i>Ensure the Cambridge Park Specialist Activity Centre is consolidated by restricting commercial land to all that land bound by Tasman Highway and Kennedy Drive, and provide for a wide range of allowable uses, including, but not limited to, service industry, campus-style office complexes and bulky goods retailing.</i>	The proposal does not threaten the Cambridge Park Specialist Activity Centre, in line with this policy. It is not for the kind of business that would otherwise locate to the SAC and its location on Bruny Island is not an obvious natural alternative.
AC 1.12 [sic]	<i>Provide for 10 – 15 years growth of existing activity centres through appropriate zoning within planning schemes.</i>	The proposal is not for a rezoning and not for a site in or adjacent to an existing Activity Centre. The provision is not relevant. The proposal does not threaten the potential growth of named Activity Centres on the island or nearby on the mainland.
AC 2	<i>Reinforce the role and function of the Primary and Principal Activity Centres as providing for the key employment, shopping, entertainment, cultural and political needs for Southern Tasmania.</i>	The proposal is for change of use of an existing business and will not materially compromise the role or function of the Primary or Principal Activity Centres, in line with this provision.
AC 2.1	<i>Encourage the consolidation of cultural, political and tourism activity within the Primary Activity Centre.</i>	The proposal will attract tourists from the Primary Activity Centre but in a complimentary rather than competitive way. The proposal is not contrary to this provision. The proposal is for a destination-style tourism business that is hard to replicate within a capital city and takes advantage of tourists using the island anyway for other tourism purposes rather than potentially tempting visitors who would otherwise only go to Hobart.
AC 2.2	<i>Achieve high quality design for all new prominent buildings and public</i>	The proposal is not a new building or public space and is not in a Primary or Principal Activity Centre. The policy does not apply.

Policy Reference	Policy	Comment
	<i>spaces in the Primary and Principal Activity Centres.</i>	
AC 2.3	<i>Undertake master planning for the Primary and Principal Activity Centres taking into account this Strategy. These should examine issues of urban amenity, economic development, accessibility, urban design and pedestrian movement.</i>	The site is not in a Primary or Principal Activity Centre, and this is anyway beyond the scope of this application. The provision does not apply. The proposal does not threaten the potential for master planning within the Primary and Principal Activity Centres.
AC 2.4	<i>Encourage structure and economic development planning for lower level Activity Centres by local planning authorities.</i>	The proposal is for a change of use of an existing business and does not threaten the future potential for structure or economic development planning by Kingborough Council on Bruny Island. Therefore, the application is not contrary to this provision.
AC 3	<i>Evolve Activity Centres focussing on people and their amenity and giving the highest priority to creation of pedestrian orientated environments.</i>	The proposal is not within an Activity Centre. There is no footpath on Lennon Road. The policy is not considered to apply.
AC 3.1	<i>Actively encourage people to walk, cycle and use public transport to access Activity Centres.</i>	The site is not within an Activity Centre. There is no footpath on Lennon Road. There is no public transport on Bruny Island. The policy is not considered to apply.
AC 3.2	<i>Support high frequency public transport options into Principal and Primary Activity Centres.</i>	The site is not in a Principal or Primary Activity Centre, nor is there public transport connectivity from the site. The provision is not considered to apply.
AC 3.3	<i>Ensure minimum car parking requirements and associated 'discretion' in the planning scheme for use and development in the Principal and Primary Activity Centres are to encourage the use of alternative modes of transport other than private cars.</i>	The site is not within a Principal or Primary Activity Centre. There is no footpath on Lennon Road. There is no public transport on Bruny Island. This is considered beyond the remit of this application. The policy does not apply.
AC 3.4	<i>Provide for coordinated and consistent car parking approaches across the Principal and Primary Activity Centres that support improved use of public transport and alternative modes of transports, pedestrian amenity and urban environment.</i>	The site is not within a Principal or Primary Activity Centre. There is no footpath on Lennon Road. There is no public transport on Bruny Island. This is considered beyond the scope of this application. The provision does not apply.
AC 3.5	<i>Allow flexibility in providing on-site car parking in the lower order Activity Centres subject to consideration of surrounding residential amenity.</i>	The provision is not considered to apply. The proposal is not in an Activity Centre, although it is in a Residential area. Whether the Scheme allows flexibility, it is appropriate to provide the full car parking provision at the site given the circumstances.

4.2.15 Settlement and residential development policies

Although the thrust of planning policies is towards urban consolidation, the fact of this existing business and the uniquely dispersed nature of development on Bruny Island mean that the proposal is suitable with regard to the following policies.

Table 17 Settlement and Residential Development Policies

Policy Reference	Policy	Comment
SRD 1	<i>Provide a sustainable and compact network of settlements with Greater</i>	The proposal is not for rezoning and does not increase the intensity of allowable activity outside the proposed settlement pattern. The proposal is not in conflict with this policy.

Policy Reference	Policy	Comment
	<i>Hobart at its core, that is capable of meeting projected demand.</i>	
SRD 1.1	<i>Implement the Regional Settlement Strategy and associated growth management strategies through planning schemes.</i>	The site is in an “other small settlement”. The Regional Settlement Strategy principally relates to new residential development. To the extent that the strategy applies to the proposal, the change of use permissible by this amendment does not threaten the Regional Settlement Strategy.
SRA 1.1A	<i>Notwithstanding the growth strategies or growth scenarios listed in Table 3, where a contemporary land supply and demand analysis of residential growth patterns for a settlement which is a Major District Centre, District Town or Township, indicates that more residential land should be made available to accommodate additional residential growth, the growth strategy or growth scenario listed in Table 3 for that settlement may be varied where the additional residential growth:</i> <i>(a) supports urban consolidation or contiguous development;</i> <i>(b) does not significantly alter the intended relative growth between the settlements in the region and their proposed regional function listed in Table 3;</i> <i>(c) will service the shortage of residential land within the settlement identified in the land supply and demand analysis;</i> <i>(d) is identified in a contemporary land use strategy for the municipality endorsed by the planning authority;</i> <i>(e) is documented in a settlement structure plan approved by the planning authority which provides for the additional residential growth;</i> <i>(f) can be supplied with reticulated water, sewerage and stormwater services; and</i> <i>(g) is aligned with the capacity of transport and road infrastructure and minimises impacts on the efficiency and safety and road and railway networks.</i> <i>The settlement structure plan in (e) should include, where relevant, indicative subdivision plans, potential staging, key movement paths, open space networks, buffers for relevant constraints, plans or proposals for the protection of cultural and natural values, and, with demonstrated consultation with</i>	The proposal is not for new residential development. To the extent that the growth scenario applies, the proposal is for a change of use of an existing business within an “all other settlement”. A change of use is not intensification and therefore considered in line with both “very low” growth and “consolidation” strategies.

Policy Reference	Policy	Comment
	<i>State agencies and relevant infrastructure providers, plans or proposals for:</i> • <i>the provision of reticulated services;</i> • <i>the management of wastewater or stormwater; and</i> • <i>the delivery of social infrastructure (such as health and education facilities) to match proposed residential growth, public transport and road infrastructure considerations.</i> <i>The provision of additional residential growth in Major District Centres, District Towns or Townships should be considered in the context of any available regional or sub-regional contemporary supply and demand analysis or settlement strategy.</i>	
SRD 1.2	<i>Manage residential growth in District Centres, District Towns and Townships through a hierarchy of planning processes as follows:</i> 1. <i>Strategy (regional function & growth scenario);</i> 2. <i>Settlement Structure Plans (including identification of settlement boundaries);</i> 3. <i>Subdivision Permit; and</i> 4. <i>Use and Development Permit.</i>	The proposal is not for new residential use and not in a District Centre, District Town or Township. The policy is not considered to apply.
SRD 1.3	<i>Support the consolidation of existing settlements by restricting the application of rural living and environmental living zones to existing rural living and environmental living communities. Land not currently zoned for such use may only be zoned for such use where one or more of the following applies:</i> (a) <i>Recognition of existing rural living or environmental living communities, regardless of current zoning. Where not currently explicitly zoned for such use, existing communities may be rezoned to rural living or environmental living provided:</i> (i) <i>the area of the community is either substantial in size or adjoins a settlement and will not be required for any other settlement purpose; and</i>	The proposal is not for new Rural Living Zone. The proposal complies with the policy.

Policy Reference	Policy	Comment
	(ii) <i>only limited subdivision potential is created by rezoning.</i> (b) <i>Replacing land currently zoned for rural living purposes but undeveloped and better suited for alternative purposes (such as intensive agricultural) with other land better suited for rural living purposes, in accordance with the following:</i> (i) <i>the total area rezoned for rural living use does not exceed that which is backzoned to other use;</i> (ii) <i>the land rezoned to rural living use is adjacent to an existing rural living community.</i> (iii) <i>the land rezoned to rural living use is not designated as Significant Agriculture Land;</i> (iv) <i>the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and</i> (v) <i>the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.</i> (c) <i>Rezoning areas that provide for the infill or consolidation of existing rural living communities, in accordance with the following:</i> (i) <i>the land must predominantly share common boundaries with:</i> • <i>existing Rural Living zoned land; or</i> • <i>rural living communities which comply with SRD 1.3(a);</i> (ii) <i>the amount of land rezoned to rural living must not constitute a significant increase in the immediate locality;</i> (iii) <i>development and use of the land for rural living purposes will not increase the potential</i>	

Policy Reference	Policy	Comment
	<i>for land use conflict with other uses;</i> (iv) <i>such areas are able to be integrated with the adjacent existing rural living area by connections for pedestrian and vehicular movement. If any new roads are possible, a structure plan will be required to show how the new area will integrate with the established Rural Living zoned area;</i> (v) <i>the land rezoned to rural living use is not designated as Significant Agricultural Land;</i> (vi) <i>the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and</i> i. <i>the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.</i>	
SRD 1.4	<i>Increase densities in existing rural living areas to an average of 1 dwelling per hectare, where site conditions allow.</i>	The site is within the Environmental Living Zone. The policy does not apply. The proposal does not create additional potential for increased residential density.
SRD 1.5	<i>Ensure land zoned residential to be developed at a minimum of 15 dwellings per hectare (net density).</i>	The subject site is not and is not proposed to be zoned General Residential. The provision does not apply.
SRD 1.6	<i>Utilise the Low Density Zone only where it is necessary to manage land constraints in settlements or to acknowledge existing areas.</i>	The subject land is not and is not proposed to be zoned Low Density Residential. The provision does not apply.
SRD 2	<i>Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability.</i>	The proposal is not for residential growth and is not in Greater Hobart as defined in Map 9. The provision does not apply.
SRD 2.1	<i>Ensure residential growth for Greater Hobart occurs through 50% infill development and 50% greenfield development.</i>	The proposal is not for residential growth and not in Greater Hobart. The provision does not apply.
SRD 2.2	<i>Manage greenfield growth through an Urban Growth Boundary, which sets a 20 year supply limit with associated growth limits on dormitory suburbs.</i>	The proposal is not for greenfield growth. The provision does not apply.

Policy Reference	Policy	Comment
SRD 2.3	<i>Provide greenfield land for residential purposes across the following Greenfield Development Precincts:</i> • <i>Bridgwater North</i> • <i>Brighton South</i> • <i>Droughty Point Corridor</i> • <i>Gagebrook/Old Beach</i> • <i>Granton (Upper Hilton Road up to and including Black Snake Village)</i> • <i>Midway Point North</i> • <i>Risdon Vale to Geilston Bay</i> • <i>Sorell Township East</i> – <i>Spring Farm/Huntingfield South.</i>	The proposal is not for residential purposes and is not in any of the identified areas. The provision does not apply.
SRD 2.4	<i>Recognise that the Urban Growth Boundary includes vacant land suitable for land release as greenfield development through residential rezoning as well as land suitable for other urban purposes including commercial, industrial, public parks, sporting and recreational facilities, hospitals, schools, major infrastructure, etc.</i>	The proposal is not within the Urban Growth Boundary. The provision does not apply.
SRD 2.5	<i>Implement a Residential Land Release Program that follows a land release hierarchy planning processes as follows:</i> 1. <i>Strategy (greenfield targets within urban growth boundaries);</i> 2. <i>Conceptual Sequencing Plan;</i> 3. <i>Precinct Structure Plans (for each Greenfield Development Precinct);</i> 4. <i>Subdivision Permit; and;</i> 1. <i>Use and Development Permit.</i>	The proposal isn't for new residential use and isn't in a greenfield area within the urban growth boundary. The provision does not apply.
SRD 2.6	<i>Increase densities to an average of at least 25 dwellings per hectare (net density)⁽ⁱ⁾ within a distance of 400 to 800 metres of Integrated transit corridors and Principal and Primary Activity Centres, subject to heritage constraints.</i>	The proposal is not for increased residential density and is not within 800m of an integrated transit corridor or a Principal or Primary Activity Centre. The provision does not conflict with the policy.
SRD 2.7	<i>Distribute residential infill growth across the existing urban areas for the 25 year planning period as follows:</i> <i>Glenorchy LGA 40% (5300 dwellings)</i> <i>Hobart LGA 25% (3312 dwellings)</i> <i>Clarence LGA 15% (1987 dwelling)</i> <i>Brighton LGA 15% (1987 dwellings)</i> – <i>Kingborough LGA 5% (662 dwellings)</i>	The subject site is in Kingborough but does not represent residential growth. It should not be counted towards the LGA's target.

Policy Reference	Policy	Comment
SRD 2.8	<i>Aim for the residential zone in planning schemes to encompass a 10 to 15 year supply of greenfield residential land when calculated on a whole of settlement basis for Greater Hobart.</i>	The proposal is not within Greater Hobart and is not for a new residential zone. The provision does not apply.
SRD 2.9	<i>Encourage a greater mix of residential dwelling types across the area with a particular focus on dwelling types that will provide for demographic change including an ageing population.</i>	The proposal is not of a scale or type that could meaningfully influence the mix of dwelling types across the area. The provision is not considered to apply.
SRD 2.10	<i>Investigate the redevelopment to higher densities potential of rural residential areas close to the main urban extent of Greater Hobart.</i>	The subject land is not a rural residential area and not in the Greater Hobart area. The provision does not apply.
SRD 2.11	<i>Increase the supply of affordable housing.</i>	This is considered beyond the scope of this application.
SRD 2.12	<i>Notwithstanding SRD 2.2 and SRD 2.8, and having regard to the strategic intent of the Urban Growth Boundary under SRD 2 to manage and contain growth across greater Hobart, land outside the Urban Growth Boundary shown in Map 10 may be considered for urban development if it:</i> <i>(a) shares a common boundary with land zoned for urban development within the Urban Growth Boundary and:</i> <i>(i) only provides for a small and logical extension, in the context of the immediate area, to land zoned for urban development beyond the Urban Growth Boundary; or</i> <i>(ii) does not constitute a significant increase in land zoned for urban development in the context of the suburb, or the major or minor satellite as identified in Table 3, and is identified in a contemporary settlement strategy or structure plan produced or endorsed by the relevant planning authority; and</i> <i>(b) can be supplied with reticulated water, sewerage and stormwater services; and</i> <i>(c) can be accommodated by the existing transport system, does not reduce the level of service</i>	Although the subject land is outside the Urban Growth Boundary, the proposal is not for a rezoning. The provision does not apply.

Policy Reference	Policy	Comment
	<i>of the existing road network, and would provide for an efficient and connected extension of existing passenger and active transport services and networks; and</i> 2. <i>results in minimal potential for land use conflicts with adjoining uses</i>	

- (i) It is recognised that with a defined suburb or precinct in the densification area that not every hectare will contain 25 dwellings. Indeed in some location a consistent increase in density across a single hectare may be less desirable than the redevelopment of key sites at much higher densities to achieve an alternative measure of densification such as 250 dwellings per 10 hectares.

It is considered that the proposal meets the objectives of the STRLUS.

The proposal for a Site Specific Qualification is not considered to be in conflict with 30(O) (2), as provided for in 30(O) (3) (a), the general Prohibition on Hotel Industry Uses in the Zone should not apply to this parcel of land.

The proposal is not considered to be in conflict with 30(O) (4). The amendment is not a planning directive but also the site-specific nature of the qualification means it is not an amendment of the common provisions.

The proposal is not considered to be in conflict with 30(O) (5) because the amendment does not affect an optional common provision.

4.3 32(1)(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.

The proposed amendment will allow a single category in one additional Use and not change the permissible development on the site. The new use is substantially the same in environmental, economic and social terms. It has already been operating for at least seven years without complaint. The impact the use and development permissible under the amendment will have on the region is therefore either negligible or positive.

4.4 20(1)(a)

...must seek to further the objectives set out in Schedule 1 within the area covered by the scheme; ...

The relevant objectives and a response on behalf of the applicant are presented below:

4.4.1 Objectives of Schedule 1, Part 1

Each of the Objectives of Schedule 1, Part 1 of the Act are considered below in Table 18.

Table 18 Assessment of Objectives of Part 1, Schedule 1

Objectives of Schedule 1, Part 1	Response
(a) <i>To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.</i>	The proposal is for change of use only and permissible <i>development</i> as distinct from <i>use</i> will not be extended beyond what is already possible. The proposal is not considered contrary to this objective.
(b) <i>To provide for the fair, orderly and sustainable use and development of air, land and water.</i>	The proposal to amend the planning scheme will allow the existing business to operate legally, maintaining the fair and orderly use. The history of development on the site shows that the proposal is sustainable.
(c) <i>To encourage public involvement in resource management and planning.</i>	Public involvement will be undertaken through the statutory notification and exhibition of the proposed amendment, and associated permit application. Adjoining owners and interested parties or persons may lodge a representation on the proposal.

Objectives of Schedule 1, Part 1	Response
	Over at least the past seven years, there have undoubtedly been many opportunities for interested or concerned residents to contact the Council about the business but as this has not happened, it can be assumed that the development is generally accepted.
(d) <i>To facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c).</i>	The proposal will allow existing economic development to continue and diversify. Due to changing tastes, the focus of the approved café/restaurant business has shifted to whisky tasting. This is fundamentally compatible with the area as demonstrated by its continued operation with no complaints from neighbours.
(e) <i>To promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.</i>	The assessment of the amendment will occur at local and state level and will include the opportunity involvement of the community. This goal is achieved through the application process.

4.4.2 Objectives of Schedule 1, Part 2

Each of the Objectives of Schedule 1, Part 2 of the Act are considered below in Table 19.

Table 19 Assessment of Objectives of Part 2, Schedule 1

Objectives of Schedule 1, Part 2	Response
(a) <i>to require sound strategic planning and co-ordinated action by State and local government; and</i>	The amendment is consistent with State government planning initiatives including: • State Policies; and • the Southern Tasmania Regional Land Use Strategy. It is also in line with local government action including • Kingborough Strategic Plan 2020-2025. • Bruny Island Tourism Strategy. These documents have been considered in the preparation of this amendment application report and are referenced as part of the assessment throughout.
(b) <i>to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and</i>	The existing system of planning instruments is capable of adequately addressing the issues involved within the proposed amendment.
(c) <i>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; and</i>	The amendment is for a change of use only and impacts on the environment will not be different from the existing situation which has been in place for at least seven years. These effects are controlled by the application of relevant STRLUS policies and the Planning Scheme. The proposal supports economic development on Bruny Island by helping to bring more income from each visitor rather than relying on ever more tourists to generate revenue. The social effects of alcohol sale in a residential area are adequately controlled by the liquor licencing provisions.
(d) <i>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; and</i>	The environmental, social, economic, conservation and resource management policies at State, regional, and municipal levels have each been considered in this proposal. By following the legislative process for assessment and determination, it is considered that the integration would be achieved and therefore the Objective would be appropriately met.
(e) <i>to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and</i>	The Planning Commission will undertake a combined assessment against the requirements of the LUPAA and the Scheme. The application therefore represents a coordinated

Objectives of Schedule 1, Part 2	Response
	approach to planning approvals as provided for in the legislation in accordance with this Objective.
(f) <i>to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and</i>	The proposal is a popular and successful existing business. It provides employment opportunities for residents of the Island and contributes to the broader tourist offering for visitors to Tasmania.
(g) <i>to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and</i>	The subject land is partially covered by a Scenic Protection Code and the proposal does not alter the ability of these provisions to protect aesthetic values and interest on the site.
(h) <i>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; and</i>	The proposal protects electricity, stormwater and copper telecommunications infrastructure and is otherwise unserved by public infrastructure. The proposal to change the use does not reduce the capacity for water and sewer services to be provided in future.
(i) <i>to provide a planning framework which fully considers land capability.</i>	The proposal has adequately assessed the land capability of this large residential lot.

4.5 20(1)(b)

...must be prepared in accordance with State Policies made under section 11 of the State Policies and Projects Act 1993; ...

The following State policies are made under the *State Policies and Projects Act 1993*:

- State Policy on the Protection of Agricultural Land 2009;
- State Policy on Water Quality Management 1997; and
- Tasmanian State Coastal Policy 1996.

Each is considered in turn below.

This section will also consider the *National Environmental Protection Measures*, which have been adopted as State policies.

4.5.1 State Policy on the Protection of Agricultural Land 2009

The *State Policy on the Protection of Agricultural Land 2009* (PAL) aims to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land.

The definition of agricultural land is as follows:

...means 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 site is in the Environmental Living Zone, which has as its purposes in part:

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.

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

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

Given the Zone is for Residential use and with limited potential for agricultural use given its relatively small size, unusual shape and topography and the large area of protected vegetation, the site is not considered agricultural land for the purposes of this assessment. Nonetheless, a brief assessment against the provisions is provided below. This will demonstrate the proposal's compliance with the policy if the Planning Authority is of the view that it applies.

An assessment of the proposal against the objectives and principles of the policy is found in the tables below.

Table 20 Objectives

Objective	Comment
<i>To enable the sustainable development of agriculture by minimising:</i>	
<i>(a) conflict with or interference from other land uses; and</i>	To the extent that the Zone allows Discretionary Resource Development uses on the existing cleared portions of the site, the proposal does not introduce any new potential restrictions.
<i>(b) non-agricultural use or development on agricultural land that precludes the return of that land to agricultural use.</i>	The proposal is for a change of use. The proposal does not significantly impact agricultural land.

The proposal is considered to meet these objectives.

Table 21 Principles

Principle	Comment
1. <i>Agricultural land is a valuable resource and its use for the sustainable development of agriculture should not be unreasonably confined or restrained by non-agricultural use or development.</i>	The site is in the Environmental Living Zone which can allow limited agricultural uses. This proposal does not further alienate land which is potentially suitable for this Discretionary use. To the extent that such use is restricted by existing or proposed development, this is not unreasonable and meets the strategic purposes of the policy.
2. <i>Use or development of prime agricultural land should not result in unnecessary conversion to non-agricultural use of agricultural use not dependent on the soil as the growth medium.</i>	The site is not prime agricultural land. The principal does not apply.
3. <i>Use or development, other than residential, of prime agricultural land that is directly associated with, and a subservient part of, an agricultural use of that land is consistent with this policy.</i>	The site is not prime agricultural land. The principal does not apply.
4. <i>The development of utilities, extractive industries and controlled environment agriculture on prime agricultural land may be allowed, having regard to criteria including the following:</i> <i>(a) Minimising the amount of land alienated;</i> <i>(b) Minimising negative impacts on the surrounding environment; and</i> <i>(c) Ensuring the particular location is reasonable required for operational efficiency.</i>	The site is not prime agricultural land. The principal does not apply.
5. <i>Residential use of agricultural land is consistent with this Policy where it is required as part of an agricultural use or where it does not unreasonably convert agricultural land and does not confine or restrain agricultural use on or in the vicinity of that land.</i>	The site benefits from an existing Residential development, but the proposal is not for new residential use. The principal is not considered to apply.
6. <i>Proposals of significant benefit to a region that may cause prime agricultural land to be converted to non-agricultural use or agricultural use not dependent on the soil as a growth medium, and which are not covered by Principles 3, 4, or 5, will need to demonstrate significant benefits to the region based on an assessment of the social, environmental and economic costs and benefits.</i>	The site is not prime agricultural land. The principal does not apply.

Principle	Comment
7. <i>The protection of non-prime agricultural land from conversion to non-agricultural use will be determined through consideration of the local and regional significance of that land for agricultural use.</i>	If the land is agricultural, it is non-prime agricultural land. The proposal is not for additional conversion of land and to the extent that agricultural uses are restricted on the site, this is considered in line with the low regional and local importance of the land for agricultural purposes.
8. <i>Provision must be made for the appropriate protection of agricultural land within irrigation districts proclaimed under Part 9 of the Water Management Act 1999 and may be made for the protection of other areas that may benefit from broad-scale irrigation development.</i>	The proposal is not for land within an irrigation district, or likely to be developed as one. The principal does not apply.
9. <i>Planning schemes must not prohibit or require a discretionary permit for an agricultural use on land zoned for rural purposes where that use depends on the soil as the growth medium, except as prescribed in Principles 10 and 11.</i>	The site is not considered agricultural land, so the requirement in the Zone for a Discretionary permit is not contrary to this Principal.
10. <i>New plantation forestry must not be established on prime agricultural land unless a planning scheme reviewed in accordance with this Policy provides otherwise. Planning scheme provisions must take into account the operational practicalities of plantation management, the size of the areas of prime agricultural land, their location in relation to areas of non-prime agricultural land and existing plantation forestry and any comprehensive management plans for the land.</i>	The site is not prime agricultural land. The principal does not apply.
11. <i>Planning schemes may require a discretionary permit for plantation forestry where it is necessary to protect, maintain and develop existing agricultural uses that are the recognised fundamental and critical components of the economy of the entire municipal area, and are essential to maintaining the sustainability of that economy.</i>	The proposal is not for plantation forestry (which is not currently practiced on the Island at all). Plantation forestry is Prohibited in the Zone and this is not considered contrary to the Principal.

The proposal is considered to comply with the SPPAL.

4.5.2 State Policy on Water Quality Management 1997

The *State Policy on Water Quality Management 1997* aims 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.

It is considered that effective administration of the standard powers conferred to the Council as a planning, road and stormwater authority would ensure that these processes are undertaken in a manner that would be appropriately sensitive to water quality. It is noted that clause 8.11.3 (a) of the Kingborough Interim Planning Scheme 2015 enables the making of planning permit conditions dealing with soil loss and associated sedimentation including of stormwater infrastructure.

The existing Waterway and Coastal Protection Area overlay providing a buffer around the creek line is considered to adequately control potential development on the site in line with this Policy. No change is proposed to these provisions.

The proposal is considered to comply with SPWQM.

4.5.3 Tasmanian State Coastal Policy 1996

The *Tasmanian State Coastal Policy 1996* (TSCP) is applicable to the proposal as the land is within a 'Coastal Zone' as identified in the Policy as:

Coastal Zone

Under the State Coastal Policy Validation Act 2003, a reference in the State Coastal Policy 1996 to the coastal zone is to be taken as a reference to State waters and to all land to a distance of one kilometre inland from the high-water mark.

The Act states that "State waters" has the same meaning as in the *Living Marine Resources Management Act 1995*.

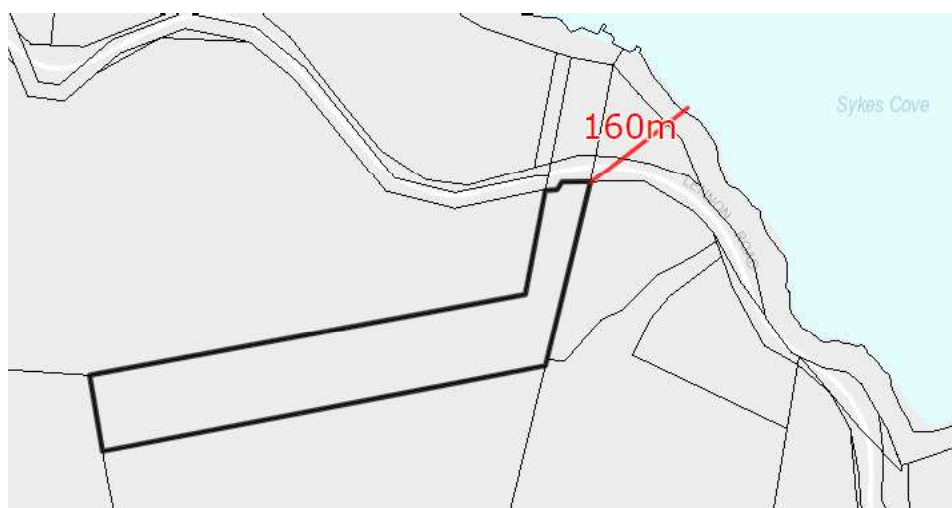


Figure 23 Subject land relative to the coast

The site is 160m from the high water mark and is therefore within the Coastal Zone. The Policy applies.

Table 22 Tasmanian State Coastal Policies and Assessment

Policy Outcomes	Comment
1. Protection of Natural and Cultural Values of the Coastal Zone	
1.1 NATURAL RESOURCES AND ECOSYSTEMS	
1.1.1 The coastal zone will be managed to ensure sustainability of major ecosystems and natural processes.	The proposal is for a change of use associated with an existing development and will not alter the management of major ecosystems or natural processes on the site or nearby.
1.1.2 The coastal zone will be managed to protect ecological, geomorphological and geological coastal features and aquatic environments of conservation value.	The proposal for a change of use is not inconsistent with this policy provision.
1.1.3 The coastal zone will be managed to conserve the diversity of all native flora and fauna and their habitats, including seagrass and seaweed beds, spawning and breeding areas. Appropriate conservation measures will be adopted for the protection of migratory species and the protection and recovery of rare, vulnerable and endangered species in accordance with this Policy and other relevant Acts and policies.	Protection of the waterway on the site and appropriate improvements to the vehicular crossing will achieve this policy provision.
1.1.4 Exotic weeds within the coastal zone will be managed and controlled, where possible, and the use of native flora encouraged.	Any construction associated with the change of use will implement appropriate construction management controls to ensure known weeds are not distributed further.
1.1.5 Water quality in the coastal zone will be improved, protected and enhanced to maintain coastal and marine ecosystems, and to support other values and uses, such as contact recreation, fishing and aquaculture in designated areas.	Standards of the planning scheme and <i>Urban Drainage Act 2013</i> have been developed with respect to the policy and controls are appropriately administered in relation to stormwater drainage. It is considered that the impacts would be appropriately minimised in accordance with this Outcome.

Policy Outcomes	Comment
1.1.6 <i>Appropriate monitoring programs and environmental studies will be conducted to improve knowledge, ensure guidelines and standards are met, deal with contaminants or introduced species and generally ensure sustainability of coastal ecosystems and processes and ensure that human health is not threatened.</i>	The proposal is not of a scale that requires monitoring or pre-approval environmental studies. The proposal does not restrict the ability for such research to take place on the site in the future as may be required or desired.
1.1.7 <i>Representative ecosystems and areas of special conservation value or special aesthetic quality will be identified and protected as appropriate.</i>	An area of scenic appeal on the site is protected and the proposal will not alter this protection in line with this policy.
1.1.8 <i>An effective system of marine reserves will continue to be established to protect marine ecosystems and fish nursery areas.</i>	The provision is beyond the scope of the application, the policy does not apply.
1.1.9 <i>Important coastal wetlands will be identified, protected, repaired and managed so that their full potential for nature conservation and public benefit is realised. Some wetlands will be managed for multiple use, such as recreation and aquaculture, provided conservation values are not compromised.</i>	The land is not itself, nor is it near, an identified important coastal wetland. The nearest Provided the available Planning Scheme and <i>Urban Drainage Act 2013</i> controls are appropriately administered in relation to stormwater drainage, it is considered that the impacts would be appropriately minimised in accordance with this Outcome.
1.1.10 <i>The design and siting of buildings, engineering works and other infrastructure, including access routes in the coastal zone, will be subject to planning controls to ensure compatibility with natural landscapes.</i>	The proposal will not increase the amount of development permissible on the site and design and siting are adequately controlled by existing provisions in the planning scheme in line with this outcome.
1.1.11 <i>Fire management, for whatever purpose, shall be carried out in a manner which will maintain ecological processes, geomorphological processes and genetic diversity of the natural resources located within the coastal zone.</i>	The site is in the bushfire prone area. Standards of the Code and firefighting will be managed in accordance with this policy.
1.2 CULTURAL AND HISTORIC RESOURCES	
1.2.1 <i>Areas within which Aboriginal sites and relics are identified will be legally protected and conserved where appropriate.</i>	As mentioned in Section 2.5 and Appendix B, the site does not contain identified Aboriginal heritage values.
1.2.2 <i>All Aboriginal sites and relics in the coastal zone are protected and will be identified and managed in consultation with Tasmanian Aboriginal people in accordance with relevant State and Commonwealth legislation.</i>	No further development will occur as part of this application except upgrades to the existing car park to replace the existing approved on-street parking, already a heavily disturbed part of the site and an area with a low probability of finding new relics. However, any that are discovered will be managed in accordance with this policy.
1.3 CULTURAL HERITAGE	
1.3.1 <i>Places and items of cultural heritage will be identified, legally protected, managed and conserved where appropriate.</i>	The site is not a place of significant cultural heritage, nor are there any known items. This would be controlled by provisions outside the scope of this application. The proposal is not contrary to this provision.
1.4 COASTAL HAZARDS	
1.4.1 <i>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.</i>	The planning scheme has overlay mapping for the identified risks. The site is clear of all mapping and is not likely to be subject to any unknown risks. The proposal for a change of use is in line with this outcome.
1.4.2 <i>Development on actively mobile landforms such as frontal dunes will not be permitted except for works consistent with Outcome 1.4.1.</i>	The site is not an actively mobile landform. The provision does not apply.
1.4.3 <i>Policies will be developed to respond to the potential effects of climate change (including sea-level rise) on use and development in the coastal zone.</i>	This is beyond the scope of the proposal. The policy does not apply.

Policy Outcomes	Comment
2. Sustainable Development of Coastal Areas and Resources	
2.1 COASTAL USES AND DEVELOPMENT	
2.1.1 <i>The coastal zone shall be used and developed in a sustainable manner subject to the objectives, principles and outcomes of this Policy. It is acknowledged that there are conservation reserves and other areas within the coastal zone which will not be available for development.</i>	The proposal is shown to comply with this policy. The site is not identified as a conservation reserve or other area excluded from development potential.
2.1.2 <i>Development proposals will be subject to environmental impact assessment as and where required by State legislation including the Environmental Management and Pollution Control Act 1994.</i>	The proposal is not of a scale that would occasion an assessment. The Outcome does not apply.
2.1.3 <i>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.</i>	The proposal is for a change of use only although it is understood some minor upgrade and extension works will occur within the existing car park. This will be achieved with appropriate regard to the natural and aesthetic qualities.
2.1.4 <i>Competing demands for use and development in the coastal zone will be resolved by relevant statutory bodies and processes, in particular the Land Use Planning Review Panel, the Resource Management and Planning Appeal Tribunal and the Marine Farming Planning Review Panel. Planning schemes, Marine Farming Development Plans and other statutory plans will provide guidance for resource allocation and development in accordance with this Policy.</i>	The Tasmanian Planning Commission is a proper body to determine whether the proposed use is appropriate in the coastal zone. The outcome is met.
2.1.5 <i>The precautionary principle will be applied to development which may pose serious or irreversible environmental damage to ensure that environmental degradation can be avoided, remedied or mitigated. Development proposals shall include strategies to avoid or mitigate potential adverse environmental effects.</i>	The proposal is for a retrospective change of use with over seven years' history on the site. In applying the precautionary principle it is reasonable to take into account this precedent and the lack of environmental concerns to date.
2.1.6 <i>In determining decisions on use and development in the coastal zone, priority will be given to those which are dependent on a coastal location for spatial, social, economic, cultural or environmental reasons.</i>	The proposed use is not wholly reliant on a coastal location but nor is the location particularly to be avoided. The tourism aspect of the business benefits from the views afforded from the site as well as its location on the main road.
2.1.7 <i>New industrial developments will be encouraged to locate in specified industrial zones.</i>	The proposal is not for a new industrial development. The provision does not apply.
2.1.8 <i>Extraction of construction materials, mineral, oil, and natural gas deposits in the coastal zone will be allowed provided access to areas is allowed under the provisions of the Mining Act 1929.</i>	The proposal is not for extraction of any materials, the provision does not apply.
2.1.9 <i>Exploration will be conducted in accordance with environmental standards under relevant legislation and the Mineral Exploration Code of Practice. Adequate rehabilitation shall be carried out.</i>	The proposal is not for exploration, nor will the potential for exploration on the site be expanded as a result of this proposal. The outcome is not considered to apply.
2.1.10 <i>Extraction will be subject to the Quarry Code of Practice and environmental assessment as required by State legislation including the Environmental Management and Pollution Control Act 1994. Adequate rehabilitation shall be carried out.</i>	The proposal is not for extraction. The provision does not apply.
2.1.11 <i>Extraction of sand will be provided for by zoning of appropriate areas in planning schemes</i>	The proposal is not for extraction. The provision does not apply.

Policy Outcomes	Comment
2.1.12 <i>Timber harvesting and reforestation in the coastal zone will be conducted in accordance with the Forest Practices Code and have regard to this Policy.</i>	The proposal is not for timber harvesting. The provision does not apply.
2.1.13 <i>Whole farm planning and sustainable farming activities will be encouraged on agricultural land in the coastal zone and in coastal catchments in order to minimise problems such as erosion, sedimentation and pollution of coastal waters including surface and ground waters.</i>	The proposal is not considered agricultural land. To the extent that limited agricultural uses are allowable on the land, the proposal does not alter the existing regime of controls to manage the identified risks in line with this policy.
2.1.14 <i>Management arrangements for commercial and recreational fisheries will be further developed in accordance with the objectives, principles and outcomes of this Policy, through a management planning framework designed to maintain sustainability and diversity of fish resources and their habitats and promote economic efficiency under the Living Marine Resources Management Act 1995.</i>	The proposal is not for a commercial or recreational fishery. The provision does not apply.
2.1.15 <i>Harvesting of marine plants shall be conducted in a sustainable manner in accordance with relevant State legislation and this Policy.</i>	The proposal is not for harvesting of marine plants. The provision does not apply.
2.1.16 <i>Water quality in the coastal zone and in ground water aquifers will accord with the requirements and guidelines established by the Environmental Management and Pollution Control Act 1994 or the Environment Protection (Sea Dumping) Act 1987 (as appropriate) and any other relevant State and Commonwealth Policies and statutes.</i>	The proposal is for change of use only and will not impact stormwater infiltration. It has no effect on the potential site coverage on the land. The provision does not apply.
2.1.17 <i>Waste discharge into the coastal zone, including offshore waters, or likely to affect groundwater aquifers, must comply with provisions of the Environmental Management and Pollution Control Act 1994 or the Environment Protection (Sea Dumping) Act 1987 (as appropriate) and any relevant State and Commonwealth Policies.</i>	The existing onsite wastewater disposal and stormwater connection are approved by the Council in compliance with this provision.
2.1.18 <i>Where oil pollution occurs in the coastal zone, and, or, offshore areas, the National Plan to combat Pollution of the Sea by Oil, Tasmanian Supplement, will apply. Efforts to prevent or mitigate maritime accidents and pollution shall be based upon relevant ANZECC and other guidelines.</i>	The proposal will have no effect on this policy outcome.
2.1.19 <i>Every effort will be made to prevent the introduction of foreign marine organisms and species. Relevant Commonwealth provisions for quarantine and ballast water or other ship discharges shall apply.</i>	The proposal is for change of use for land and will not have an effect on this outcome.
2.2 MARINE FARMING	
2.2.1 <i>Marine farming will be planned, developed and conducted in the coastal zone having regard to sustainable development considerations and in accordance with the Marine Farming Planning Act 1995 and other relevant terrestrial and marine resource management and planning legislation and consistent with this Policy.</i>	The proposal is not for a marine farm and will not affect farm planning in the area.
2.2.2 <i>Marine Farming Development Plans will be prepared, approved and gazetted under the Marine Farming Planning Act 1995 and consistent with the objectives, principles and outcomes of this Policy.</i>	The proposal does not affect this outcome.
2.3 TOURISM	

Policy Outcomes	Comment
2.3.1 <i>Tourism use and development in the coastal zone, including visitor accommodation and other facilities, will be directed to suitable locations based on the objectives, principles and outcomes of this Policy and subject to planning controls.</i>	The site is an existing tourist drawcard and is established with blue road signs for tourist wayfinding. The location in a former café, approved under the previous planning scheme, is entirely suitable under the objectives principles and outcomes of this policy as variously demonstrated above and below.
2.3.2 <i>Tourism development proposals in the coastal zone will be subject to environmental impact assessment as required by State legislation including a water safety assessment to indicate the level and type of lifesaving facilities and personnel required to protect people.</i>	The proposal is for land-based tourism within the coastal zone; no water safety assessment, lifesaving facilities or personnel is required.
2.3.3 <i>Opportunities for tourism development will be identified whenever strategic planning occurs for the coastal zone or any part of it.</i>	The present application is for strategic planning of a part of the coastal zone, and the opportunity for this whisky tasting business is identified.
2.3.4 <i>Tourism development will be located where there is environmental capacity and where it does not significantly conflict with the natural and aesthetic qualities of the coastal zone.</i>	There is clearly capacity in the site to accommodate the proposal, which has been operating for at least seven years in more or less the current form without significant conflict with the natural or aesthetic qualities of the coastal zone.
2.4 URBAN AND RESIDENTIAL DEVELOPMENT	
2.4.1 <i>Care will be taken to minimise, or where possible totally avoid, any impact on environmentally sensitive areas from the expansion of urban and residential areas, including the provision of infrastructure for urban and residential areas.</i>	The proposal is not for a new urban or residential area. The principle is not applicable.
2.4.2 <i>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.</i>	The proposal is not for a new urban or residential area. The principle is not applicable.
2.4.3 <i>Any urban and residential development in the coastal zone, future and existing, will be identified through designation of areas in planning schemes consistent with the objectives, principles and outcomes of this Policy.</i>	The proposal is not for a new urban or residential area. The principle is not applicable.
2.5 TRANSPORT	
2.5.1 <i>All transport infrastructure and associated services will be planned, developed and maintained consistent with the State Coastal Policy.</i>	The proposal makes use of existing transport infrastructure, namely the category 5 road maintained by the Department of State Growth consistent with this policy.
2.5.2 <i>Significant scenic coastal transport routes and associated facilities will be identified, planned and managed to ensure sustainable benefits for tourism and recreation value and amenity.</i>	Part of the site includes a scenic hilltop which is protected from vegetation clearance. This is not obviously related to the coastal transport route directly (it is a scenic landscape area, not a scenic corridor) however in the context of Bruny Island it must be at least in part for tourism benefits, including incidental recreation value and amenity.
2.5.3 <i>New coast hugging roads will be avoided where possible with vehicular access to the coast being provided by spur roads planned, developed and maintained consistent with the State Coastal Policy.</i>	No new road is proposed. The principle does not apply.
2.5.4 <i>Marine structures will be designed, sited, constructed and managed in accordance with best practice environmental management and subject to environmental impact assessment having regard to statutory requirements.</i>	No marine structure is proposed. The principle does not apply.

Policy Outcomes	Comment
2.5.5 <i>The multiple use of port areas will be encouraged but priority will be given to efficient port operations and safety requirements subject to cultural, natural and aesthetic values not being compromised.</i>	The site can only be accessed via a port facility, however the proposal is some distance away and the principle is not considered to apply.
2.6 PUBLIC ACCESS AND SAFETY	
2.6.1 <i>The public's common right of access to and along the coast, from both land and water, will be maintained and enhanced where it does not conflict with the protection of natural and cultural coastal values, health and safety and security requirements.</i>	The proposal does not interfere with public access of the coast in line with this principle.
2.6.2 <i>Public access to and along the coast will be directed to identified access points. Uncontrolled access which has the potential to cause significant damage to the fragile coastal environment and is inconsistent with this Policy will be prevented.</i>	The proposal does not promote uncontrolled access to the coast in line with this principle.
2.6.3 <i>Agreements between landowners, landholders and councils or State Government to grant public access to the coast, and Aborigines access to Aboriginal sites and relics in the coastal zone over private and public land will be encouraged and shall be considered when preparing plans or approving development proposals.</i>	The proposal does not include such an agreement, the principle does not apply.
2.6.4 <i>Public facilities such as life saving facilities and essential emergency services, parking facilities, toilet blocks, picnic sites, rubbish disposal containers, boat ramps and jetties will be provided at appropriate locations consistent with the objectives, principles and outcomes of this Policy to facilitate access to and enjoyment of the recreational amenity of the coast and estuarine foreshores.</i>	The proposal is not for public facilities within the coastal reserve. It is not an appropriate location for such facilities and none are identified to be provided in line with this principle.
2.6.5 <i>Councils will ensure that there will be a coastal safety assessment for any new coastal development likely to attract people to the coast to indicate the level and type of lifesaving facilities and personnel required.</i>	The proposal does not require retrospective safety assessment as it does not attract people to the coast itself. No lifesaving facilities or personnel are required.
2.6.6 <i>Developer contributions will be encouraged in respect to the costs of providing public access and safety services for the community.</i>	It is not appropriate to require a contribution from this development as it is not directly reliant on access to the water.
2.7 PUBLIC LAND	
2.7.1 <i>All future use and development of public land in the coastal zone will be consistent with this Policy, and subject to planning controls unless otherwise provided by statute.</i>	The proposal is not on public land, the policy does not apply.
2.7.2 <i>Future development of camping areas on public land in the coastal zone will only be permitted where such development does not conflict with the protection of natural features and cultural values, but not within 30 metres above high water mark.</i>	The proposal is not on public land, the policy does not apply.
2.7.3 <i>Expansion of shack sites on public land in the coastal zone will not be permitted.</i>	The proposal is not on public land, the policy does not apply.
2.7.4 <i>Shacks currently located on public land in the coastal zone will continue to be subject to review under the Shack Site Categorisation Program of the Tasmanian Property Services Group.</i>	The proposal is not on public land, the policy does not apply.
2.8 RECREATION	

Policy Outcomes	Comment
2.8.1 <i>Recreational use of the coastal zone will be encouraged where activities can be conducted in a safe and environmentally responsible manner.</i>	The proposal is not for recreational use of the coastal zone. The outcome is not relevant.
2.8.2 <i>Suitable recreation opportunities will be identified through strategic planning and may be provided in appropriate locations where they do not adversely affect sensitive coastal ecosystems and landforms or in designated areas where such effects can be remedied or mitigated.</i>	This is beyond the scope of this application and requires a much broader review of North Bruny and the Island generally. It is not considered that this site is a suitable location in line with this outcome, the policy is not relevant.
2.8.3 <i>Special recreational vehicle areas may be established as an environmental protection measure and as a means of limiting unauthorised motor vehicle activity in environmentally sensitive areas.</i>	The proposal would not increase motor vehicle activity in an environmentally sensitive area. The outcome is not relevant.
3. Shared Responsibility for Integrated Management of Coastal Areas and Resources	
3.1 SHARED RESPONSIBILITY FOR MANAGEMENT	
3.1.1 <i>Provision will be made for consistency in policy interpretation and implementation by all spheres of government throughout Tasmania, including consistency in changes to planning schemes affected by this Policy.</i>	The proposal would have no impact on this Outcome.
3.1.2 <i>Coastal management should be considered as an integral component of regional planning undertaken in the State.</i>	The proposal would have no impact on this Outcome.
3.1.3 <i>Provision shall be made for effective coordination of the activities of governments, industry and local communities in interpreting and implementing the State Coastal Policy</i>	The proposal would have no impact on this Outcome.
3.1.4 <i>Provision for effective and greater involvement of Aboriginal people in areas of particular interest to Aboriginal people will be made as part of community participation processes.</i>	The proposal would have no impact on this Outcome.
3.1.5 <i>Planning authorities, the Land Use Planning Review Panel and the Marine Farming Planning Review Panel will use their best endeavours to function in a coordinated and collaborative manner to effectively and efficiently implement the State Coastal Policy.</i>	The proposal would have no impact on this Outcome.
3.1.6 <i>Councils will prepare strategic and operational plans for their municipal areas having regard to the principles, objectives and outcomes of this Policy and will be encouraged to function in a coordinated and collaborative manner with adjacent councils and other planning authorities.</i>	The proposal would have no impact on this Outcome.
3.1.7 <i>State government agencies and planning authorities will participate with other State, Territory and Commonwealth agencies in relevant forums to foster a national approach to coastal zone management.</i>	The proposal would have no impact on this Outcome.
3.2 INSTITUTIONAL ARRANGEMENTS	
3.2.1 <i>A State Coastal Advisory Committee comprising representatives of State and local government and the community will be established to facilitate implementation, coordination, consistent interpretation, and evaluation of this Policy.</i>	The proposal would have no impact on this Outcome.
3.2.2 <i>The State Coastal Advisory Committee will be supported by the Coastal and Marine Program in the Department of Environment and Land Management.</i>	The proposal would have no impact on this Outcome.

Policy Outcomes	Comment
3.2.3 <i>The Tasmanian Government will provide funding and other resources considered necessary for the effective implementation of this Policy.</i>	The proposal would have no impact on this Outcome.
3.2.4 <i>A high level of coastal expertise will progressively be developed in agencies responsible for implementation of the State Coastal Policy.</i>	The proposal would have no impact on this Outcome.
3.2.5 <i>The effectiveness of institutional arrangements will be reviewed three years from the date of implementation of the State Coastal Policy.</i>	The proposal would have no impact on this Outcome.
3.3 PUBLIC PARTICIPATION AND INFORMATION	
3.3.1 <i>Public awareness of coastal issues and community participation in managing the coastal zone will be encouraged and facilitated, including networking between community groups working in the coastal zone.</i>	The proposal would have no impact on this Outcome.
3.3.2 <i>Advice and information will be provided to coastal community groups through councils and State Government agencies responsible for coastal planning and management on the implementation and interpretation of the State Coastal Policy, on government assistance programs or other matters relevant to the coastal zone.</i>	The proposal would have no impact on this Outcome.
3.3.3 <i>Community projects and action which benefit the coastal zone and are consistent with this Policy will be encouraged and assisted through the Coastal and Marine Program of the Department of Environment and Land Management or other relevant government programs.</i>	The proposal would have no impact on this Outcome.
3.3.4 <i>Communities will be given the opportunity to make submissions to all plans or policies affecting the coastal zone. Consultative meetings with relevant and interested community groups and individuals in local or regional areas will be held in conjunction with the release of policies and plans wherever possible.</i>	The proposal would have no impact on this Outcome.
3.3.5 <i>Research into coastal processes and matters related to coastal zone planning and management by government or research institutions will be encouraged and assisted where possible.</i>	The proposal would have no impact on this Outcome.
4. Implementation, Evaluation and Review	
4.1 <i>Implementation of the State Coastal Policy will be coordinated through the State Coastal Advisory Committee.</i>	The proposal would have no impact on this Outcome.
4.2 <i>The main vehicles for implementation of this Policy will be land use planning controls, marine farming development plans, and local council strategic and operational plans.</i>	The proposal would have no impact on this Outcome.
4.3 <i>To ensure integration between planning schemes and other plans affecting the coastal zone, all planning authorities (including local councils, Marine Boards, the Secretary of the Department of Primary Industry and Fisheries and other agencies developing plans which cover all or any part of the coastal zone) are required, as appropriate, to consult with the Marine Resources Division (Department of Primary Industry and Fisheries) the Marine Board responsible for the area subject to the plan and the Department of Environment and Land Management.</i>	The proposal would have no impact on this Outcome.

Policy Outcomes	Comment
4.4 <i>The effectiveness of the State Coastal Policy will be monitored and assessed throughout its term. A report on the coastal zone will be included in all State of the Environment Reports which the Sustainable Development Advisory Council submits to the Minister pursuant to Section 29 of the State Policies and Projects Act 1993.</i>	The proposal would have no impact on this Outcome.
4.5 <i>To ensure that policies and plans for the coast are responsive to changing needs and circumstances the Minister responsible for the administration of the State Policies and Projects Act 1993 shall review the State Coastal Policy at the end of three (3) years after this Policy has come into operation and thereafter no less than every five (5) years.</i>	The proposal would have no impact on this Outcome.

The proposal is considered to comply with the TSCP.

4.5.4 National Environmental Protection Measures

The following National Environmental Protection Measures (NEPMs) have been adopted as State policies by Tasmania:

- Air Toxics NEPM
- Ambient Air Quality NEPM
- Assessment of Site Contamination NEPM
- Diesel Vehicle Emissions NEPM
- Movement of Controlled Waste between States and Territories NEPM
- National Pollutant Inventory NEPM
- Used Packaging Materials NEPM

The site does not host activity likely to cause contamination and no known contaminating activity has taken place on the site. The proposed amendment would involve only activity typical of small-scale business and residential use. It is considered that waste, emissions and potential for contamination risk would be minor and that the proposal would be consistent with the NEPMs

4.6 20(1)(d)

...have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the Local Government Act 1993 as adopted by the council at the time the planning scheme is prepared; ...

4.6.1 Kingborough Strategic Plan 2020-2025

Kingborough Council has adopted the Kingborough Council Strategic Plan 2020-2025. It is a brief document reproduced in full in Appendix G.

Table 23 Kingborough Strategic Plan 2020-2025

Strategic Outcome	Comment
Encourage and support a safe, health and connected community	
1.1 A Council that engages with and enables its community	The Council is urged to support this Scheme Amendment in support of an existing local business in line with this outcome.
1.2 An inclusive community that has a strong sense of pride and local identity	The proposal enhances the sense of Bruny Island as a unique place within the broader community of Kingborough and Tasmania.

Strategic Outcome	Comment
1.3 A resilient community with the capacity to flourish	The offering of cooler weather attractions helps generate a steady and sustainable tourism industry that is more balanced across the year.
1.4 A Council that acknowledges the existence of a climate change and biodiversity emergency and has in place strategies to respond.	The proposal takes appropriate measure of environmental concerns relating to its operation and supports the protection of Bruny Island's unique scenic and natural assets.
1.5 An active and health community, with vibrant, clean local areas that provide social, recreational and economic opportunities.	The proposal supports an existing business with strong local economic ties.
Deliver quality infrastructure and services	
2.1 Service provision meets the current and future requirements of residents and visitors	The proposal is within the capacity of existing and planned service provision.
2.2 Infrastructure development and service delivery are underpinned by strategic planning to cater for the needs of a growing population.	The proposal does not affect infrastructure planning.
2.3 Community facilities are safe, accessible and meet contemporary standards.	The proposal is not for public community facilities.
2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability.	The proposal comes from enforcement action derived from high quality customer service related to the building application after flooding.
2.5 Council is a desirable place to work, attractive committed and engaged staff through progressive human resources practices and a positive work environment.	The proposal does not affect this outcome.
Sustaining the natural environment whilst facilitating development for our future	
3.1 A Council that values and prioritises its natural environment, whilst encouraging investment and economic growth.	The proposal is an opportunity for the Council to support investment in economic growth while protecting the natural environment.
3.2 A community that has a well-developed sense of natural and cultural heritage.	The proposal will enhance the community's sense of natural and cultural heritage with its focus on local products.
3.3 Council is able to demonstrate strong environmental stewardship and leadership.	The proposal is an example of the Council protecting Bruny Island's unique heritage.
3.4 Best practice land use planning systems are in place to manage the current and future impacts of development.	The proposal is in line with all applicable state and local policies demonstrating best practice.
3.5 Management of environmental assets is based on professional advice and strategic planning.	This is beyond the scope of this application but to which it may in some part contribute.

The proposal is considered to be in accordance with the Strategic Plan.

4.6.2 Bruny Island Tourism Strategy 2017

In addition to this document, the Kingborough Council have adopted the Bruny Island Tourism Strategy, dated September 2017. It is available in Appendix H. Although not strictly the strategic plan for the Council, this is nonetheless a relevant document and here is the logical place in this report for inclusion and assessment of the details within it.

It should also be noted that although only 6 years have passed, the strategy is considerably out of date. A number of major issues including ferry access, road quality and signage have been significantly altered since the current strategy was adopted. In addition, the post-COVID landscape presents new challenges for tourism not addressed at all. None of these are directly applicable to the proposal, however, and the main objectives remain relevant.

The key objectives of the Tourism Strategy are reproduced here, along with some commentary as to why the proposal corresponds with the goals.

Table 24 Bruny Island Tourism Strategy 2017

Objective	Comment
Increase the economic contribution of tourism to Bruny Island by increasing yield and length of stay;	The existing Bruny Island House of Whisky is a way of value-adding to tourists who attend Bruny for its natural landscapes and isolated environment. Guests to such destinations often expect high-end food and alcohol offerings, but there is very little production on the Island, so this potentially assists in filling this gap. It also ties Bruny Island to the Tasmanian experience by offering an extensive range of products from Tasmania in one place. This retains Bruny's status as an independent destination in its own right, but also fits within broader Destination Southern Tasmania and whole of State strategies. Although suited to day-trippers, by increasing the total number of experiences on the Island, more people can be induced to stay a longer time.
Improve the quality of public infrastructure on Bruny Island to enhance the visitor experience;	This is beyond the scope of this application.
Promote an environmentally responsible and sustainable tourism industry on Bruny Island;	The inclusion of tourism activities that do not directly impact the environment are responsible and sustainable, and a way of reducing the impact of the number of tourists on the Island while still maintaining their contribution towards the local economy.
Promote strong connections and frequent engagement between visitors and the Bruny Island community;	Employees at the Bruny Island House of Whisky are mostly residents of the Island, and the nature of tastings means there is significant opportunity to share stories and build connections.
Develop and market a "whole-of-island" brand and marketing program for Bruny Island that is supported by the community and industry sectors; and	Bruny Island House of Whisky already appears in Discover Tasmania's literature on the Island, suggesting it is a good fit for the Island's brand.
Identify new funding sources that can be utilised to improve public facilities and services that benefit both visitors and residents on Bruny Island.	This is beyond the scope of the application and is not directly relevant to the applicant. However, some potential sources (such as a landing tax) would affect the business and the owners may be involved with potential discussions in a separate capacity.

The proposal is found to be consistent with the Bruny Island Tourism Strategy 2017.

4.7 20(1)(e)

...have regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.

The site is not affected by the gas pipeline corridor. The requirements in the *Gas Pipelines Act 2000* are therefore not applicable.

5. Planning Scheme Assessment

This section will assess the proposal against the Kingborough Interim Planning Scheme 2015 as amended.

5.1 Planning Scheme Objectives

The relevant clause is 3.0.4:

L Economic Infrastructure: Local Objectives

Objective: <i>To ensure sufficient and suitable land is available for the establishment of new economic enterprises.</i>	
Desired Outcomes	Outcomes to be Achieved by
(a) There is sufficient zoned land available to allow the establishment of a range of new industries in appropriate locations.	(a) Identifying land that is suitable for future industrial and commercial development.
(b) Investors and developers are attracted to suitable areas as suitable land is available for economic uses.	(b) Promoting the area as being suitable for development, with a community that will appreciate the new services to be provided.
(c) The local tourism industry will be able to thrive due to the many unspoilt natural and local attractions, sufficient accommodation and a welcoming local community.	(c) Encouraging the further development of the local tourism industry in ways that complement the natural assets of the area and the skills and talents of the local community.

The subject land is in the Environmental Living Zone but already in a commercial use – there is an existing approval for a Food Services use. Given there is little functional difference between the existing approved and proposed uses, this land is clearly identified as suitable location for commercial development in line with (a).

Bruny Island faces a delicate task in promoting tourism while retaining the relatively untouched natural environment that attracts people in the first place. The community is very small and depends heavily on production and tourism. Although the Bruny Island House of Whisky only incidentally serves locals, the community can nevertheless appreciate the contribution it makes to attracting tourism to the Island from which everyone can benefit. In terms of promoting development, adaptive reuse of the existing building for a higher-value product rather than additional construction is a suitable way to balance human encroachment on natural environments in line with (b).

The proposal encourages the local tourism industry by taking advantage of the vistas and reputation of Bruny Island while offering an outlet for the skills and interests of the local community in line with (c).

These objectives would not be better achieved with a rezoning on the land, nor relocation of the business within one of the existing Village Zones on the island. The potential for this is restricted if land cannot be found that is available for sale and able to be developed in a suitable way, further assuming the business could afford to do that. Reuse of an existing commercial building for a slightly different use that involves alcohol instead of caffeine is fully supported by the principals of the Scheme and the fundamentals of land use planning.

5.2 General Overlays

The proposed amendment would create a Site Specific Qualification for the subject land. This is discussed below.

5.2.1 Site Specific Qualifications

There is a Site Specific Qualification for the subject land, which creates an additional Discretionary Use Class “Hotel Industry (tasting house)” in the Zone.

The proposal for a Hotel Industry (tasting house) use is in accordance with the proposed Site-Specific Qualification.

5.2.2 Specific Area Plan

There is no Specific Area Plan for the Site.

5.3 Zone

The site is in the Environmental Living Zone.

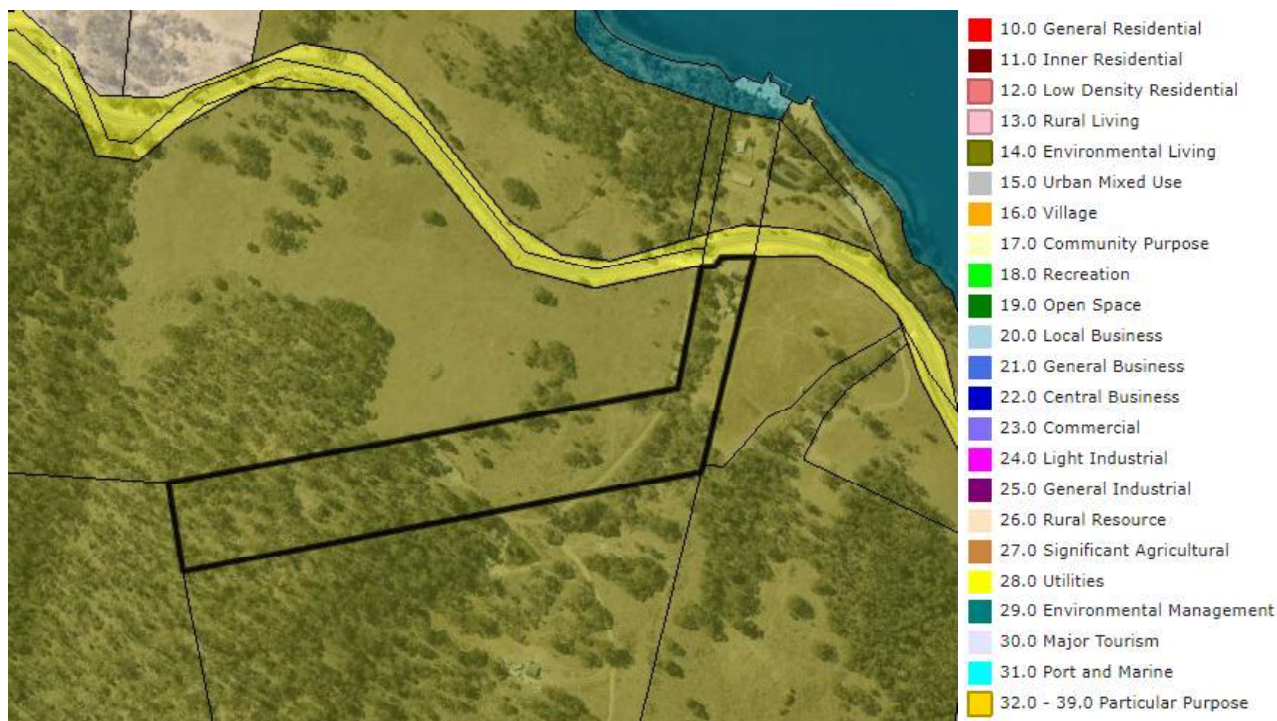


Figure 24 Subject land Zoned Environmental Living

Image and data from the LIST, © State of Tasmania

5.3.1 Zone Purpose and Use Table

14.1 Zone Purpose	
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.
Comment: Supports the Zone Purpose The proposal is not for new residential use. 14.1.1.1 is not relevant. The proposal is for change of use only. 14.1.1.2 does not apply.	

The proposal does not change existing controls on scenic and environmental values which are maintained in line with 14.1.1.3.

The proposal is for a change of use of an existing commercial building located adjacent to a main public thoroughfare. The privacy and seclusion of residents in this Zone is protected in line with 14.1.1.4.

The proposed retrospective change of use is appropriate within 14.1.1.5.

The site does not offer any opportunity to increase pedestrian, cycle or bridlepath linkages. 14.1.1.6 does not apply.

There is at least 200m between the site and the nearest Rural Resource or Significant Agriculture Zone as provided for in 14.1.1.7.

14.2 Use Table

Comment: Discretionary

In the Use Table as amended, the Hotel Industry (tasting house) use is Discretionary at 360 Lennon Road (CT25139/1).

5.3.2 Use Standards

14.3.1 Non-Residential Use

Objective:

To ensure that non-residential use does not unreasonably impact residential amenity.

Acceptable Solutions

A1

Hours of operation must be within:

- (a) 8.00 am to 6.00 pm Mondays to Fridays inclusive;
- (b) 9.00 am to 12.00 noon Saturdays;
- (c) nil Sundays and Public Holidays;

except for office and administrative tasks or visitor accommodation.

Performance Criteria

P1

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.

Comment: Complies with P1

The proposal is for operation between 10am to 4pm daily.

This is not considered to have unreasonable impact on residential amenity through commercial vehicle movements, noise or other emissions with regard to their timing, duration and extent. The business has been operating in the same way for at least seven years without complaint to Council. The location of the building adjacent to the main road and at least 130m from the nearest dwelling (across the road to the north, and separated by an agricultural outbuilding as well as topography) minimises potential disturbance.

The planning application for the most recent Food Services use was approved on the basis of operating hours of Fri 5pm – late and Sat & Sun 10am – 5pm. Although the existing use rights for these hours are lapsed, it is a useful comparison to make.

The application complies with the standard through the Performance Criteria.

A2

Noise emissions measured at the boundary of the site must not exceed the following:

- (a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;
- (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;
- (c) 65dB(A) (LAmix) at any time.

P2

Noise emissions measured at the boundary of the site must not cause environmental harm.

Comment: Not Applicable

The proposal is not of a kind that is likely to produce excess noise. No noise measurement is considered necessary given the business has been operating for at least seven years in roughly the same way.

22.3.2 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
A1 Visitor accommodation must comply with all of the following: (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 ..	P1 Visitor accommodation must satisfy all of the following: (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.
Comment: Not Applicable The proposal is not for a Visitor Accommodation use. The potential to obtain a Permit for the existing building on the site exists but is not addressed here.	

5.3.3 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
A1 Building height must not be more than: 7.5m.	P1 Building height must satisfy all of the following: (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; (b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by: i. overlooking and loss of privacy; ii. visual impact when viewed from adjoining lots, due to bulk and height; (c) be reasonably necessary due to the slope of the site; (d) be no more than 8.5 m.
Comment: Not Applicable Reassessment of the existing building height is not considered necessary. In any case, the original approvals show the building is 7m high, which complies with the Acceptable Solution.	

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
A1	P1

14.4.2 Setback	
Building setback from frontage must be must be [sic] no less than: 30m.	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: (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.
Comment: Not Applicable Although the existing building with a setback of around 12m is well within 30m of the frontage, it is not considered necessary to reassess the Performance Criteria for a change of use proposal such as this. Some works to prepare a new car parking area in the existing “beer garden” or “front garden” part of the site is not considered to trigger this assessment.	
A2 Building setback from side and rear boundaries must be no less than: 30m	P2 Building setback from side and rear boundaries must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following: (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: i. overlooking and loss of privacy; ii. visual impact, when viewed from adjoining lots, through building bulk and massing.
Comment: Not Applicable The subject building has a setback from the western side boundary of 30m but some storage buildings are more like 20m. From the eastern side boundary the main building is as little as 4m set back and a shed related to the proposed use is also within 6m. The complex is at least 180m from the rear boundary. The water tanks are 6m from the eastern side boundary but at least 30m from any other. Due to the unusual shape of the lot, the existing building is 27m from the northern “side” boundary and 55m from the southern rear boundary. It is around 300m from the western side and 280 from the eastern side. It is not considered relevant to reassess these setbacks within the context of the change of use application.	

14.4.3 Design	
Objective: <i>To ensure that the location and appearance of buildings and works minimises adverse impact on natural values and on the landscape.</i>	
Acceptable Solutions	Performance Criteria
A1 The location of buildings and works must comply with any of the following:	P1 The location of buildings and works must satisfy all of the following:

14.4.3 Design	
(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.	(a) be located in an area requiring the clearing of native vegetation only if: i. there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope; 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; (b) be located on a skyline or ridgeline only if: 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. (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.
Comment: Not Applicable The proposal for change of use is not considered to require reassessment of the existing building design. In any case the existing development is not on the skyline and does not require new clearance of native vegetation now. Works for the new car parking area on the site would avoid any vegetation clearance.	
A2 Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.	P2 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.
Comment: Not Applicable The proposal is for an existing building. The walls are made of natural stone and not coloured. The roof is a dark corrugated iron. The gable is painted a conspicuous orange which is not proposed to change. The light reflectance value is not known but it is generally in line with the building's place in the landscape.	
A3 The combined gross floor area of buildings must be no more than: 300m².	P3 The combined gross floor area of buildings must satisfy all of the following: (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.
Comment: Not Applicable It is not necessary to reassess the site coverage in the context of this change of use proposal. The building on the site is around 120m² and the main subject building is around 135m², 90m² on the ground and half that again upstairs. The combined outbuildings take the total to beyond 300m², however it is clear that this development would comply with the Performance Criteria if assessment were considered relevant.	
A4 Fill and excavation must comply with all of the following:	P4 Fill and excavation must satisfy all of the following:

14.4.3 Design	
(a) height of fill and depth of excavation is no more than 1 m from natural ground level, except where required for building foundations; (b) extent is limited to the area required for the construction of buildings and vehicular access.	(a) there is no unreasonable impact on natural values; (b) does not detract from the landscape character of the area; (c) does not unreasonably impact upon the privacy of adjoining properties; (d) does not affect land stability on the lot or adjoining land.
Comment: Not Applicable The proposal for a change of use does not propose new fill or excavation. To the extent that any would be required for creation of an improved crossing, this will be controlled to the road authority's requirements.	

14.4.4 Outbuildings	
Objective: <i>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.</i>	
Acceptable Solutions	Performance Criteria
A1 Outbuildings (including garages and carports not incorporated within the dwelling) must comply with all of the following: (a) have a combined floor area no more than 80m²; (b) have a wall height no more than 5.5m and a building height not more than 6.5m; (c) have setback from frontage no less than that of the existing or proposed dwelling on the site.	P1 Outbuildings (including garages and carports not incorporated within the dwelling) must be designed and located to satisfy all of the following: (a) be less visually prominent than the existing or proposed dwelling on the site; (b) be consistent with the scale of outbuildings on the site or in close visual proximity (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.
Comment: Not Applicable Although the combined floor area of outbuildings is more than 80m ² , it is not considered that reassessment of this is required for a change of use application.	

14.4.5 Environmental Values	
Objective: <i>To ensure development maintains and enhances environmental values.</i>	
Acceptable Solutions	Performance Criteria
A1 Development must be located within a building area on a plan of subdivision.	P1 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.
Comment: Complies with P1 The only development required is a new car parking facility on the site to replace the existing approved use of the service road.	

5.3.4 Development Standards for Subdivision

The proposal does not include subdivision. Although the existing lot is subminimum for the Zone, it is not considered that re-assessment against the Performance Criteria is required. Clause 14.5 of the Scheme does not apply.

5.4 Codes

This section addresses relevant Codes. A final paragraph at the end explains why Codes that have not been considered do not apply.

5.4.1 E1.0 Bushfire-Prone Areas Code

As identified in 2.9.1 above, the site is entirely within the Bushfire Prone Area. The proposal is not for a vulnerable use, nor for subdivision.

For this Code to apply the proposed stock of alcohol on site would be required to achieve a manifest quantity for the use to be considered hazardous.

Current information from the Operations Manager of BIHW indicates that according to Schedule 11 of the Workplace Health and Safety Act, a category 3 flammable liquid has a flash point at or above 23 degrees (Celsius). For ethanol that requires an ABV over 50%, and many of the spirits on site are more around the 40 - 46%ABV. There would be a handful of 500ml bottles that contain spirits strong enough to fall into the category 3 class, however the threshold is 1,000 litres, and it is considered it would be at 10% or less of that quantity across the entire venue at any given time. This is capable of being conditioned.

For this reason, the use is not considered to be hazardous. The Code does not apply.

5.4.2 E3.0 Landslide Code

As identified in Section 2.9.2 above, the site is partially covered by low- and medium-risk landslip hazard bands. However, the proposal is exempt from assessment under the Code because no development is proposed in any area within the overlay and the use is not hazardous.

5.4.3 E5.0 Road and Railway Assets Code

The proposal is on a category 5 road maintained by the Department of State Growth. Although the proposal for a change of use from Food Services to Hotel Industry is not considered to generate additional vehicle traffic in itself, the recent construction of a turning area for the use of coaches is considered to enable a significant intensification of the existing access by heavy vehicles. A complete assessment against the Code is therefore required.

5.4.3.1 Existing use of the public road is reduced with the relocation of approved car parking from the reserve into the site itself. The loss of the coach turning facility means package tours will no longer be able to visit as the ability to use the road reserve to drop off and pick up is limited. Code Purpose

E5.1 Purpose of the Road and Railway Assets Code

E5.1.1 The purpose of this provision is to:

- (a) protect the safety and efficiency of the road and railway networks; and*
- (b) reduce conflicts between sensitive uses and major roads and the rail network.*

Comment: Supports the Code Purpose

The proposal does not negatively impact the safety and efficiency of the road or railway networks, and
The proposal is not for a sensitive use and not within a major road or railway attenuation area.

5.4.3.2 Use Standards

E5.5.1 Existing road accesses and junctions	
Objective: <i>To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.</i>	
Acceptable Solutions	Performance Criteria
A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	P1 Any increase in vehicle traffic to a category 1 or category 2 road in an area subject to a speed limit of more than 60km/h must be safe and minimise any adverse impact on the efficiency of the road, having regard to: (a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any written advice received from the road authority.
Comment: Not Applicable Although the speed limit is above 60km/hr, Lennon Road is not a category 1 or 2 road.	
A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	P2 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of more than 60km/h must be safe and not unreasonably impact on the efficiency of the road, having regard to: (a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature and efficiency of the access or the junction; (d) the nature and category of the road; (e) the speed limit and traffic flow of the road; (f) any alternative access to a road; (g) the need for the use; (h) any traffic impact assessment; and (i) any written advice received from the road authority.
Comment: Complies with A2 The proposal is for a change of use from Food Services (the building was formerly a pizza restaurant and before that a café) to Hotel Industry. Aside from the fact that spirits are now (responsibly) served, the uses are broadly comparable in terms of traffic generation. The applicant has recently improved long vehicle onsite turning in response to a major tourism firm purchasing longer coaches for its coach tours, however this is no longer a significant part of the business plan and it is expected mostly private cars (not coaches) would use the site. This is not considered to increase the number of vehicles using the access, which is shared with the building on the site and at least one other dwelling by a right of way arrangement, by more than 10% from the existing situation. Although the road authority is requiring car parking to be relocated onto the site, this will not generate additional traffic movements at the crossing because it serves a service road and has been approved for use as a car park for the café. The application complies with the standard through the Acceptable Solution.	
A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	P3 The combined gross floor area of buildings must satisfy all of the following: (a) there is no unreasonable impact on natural values; (b) there is no unreasonable impact on the landscape;

E5.5.1 Existing road accesses and junctions	
	(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.
Comment: Not Applicable The speed limit at this point is 90km/hr.	

The proposal does not interact with the railway network. Clause E5.5.2 does not apply.

5.4.3.3 Development Standards

The proposal is not adjacent to a category 1 or 2 road, nor a railway. Clause E5.6.1 does not apply.

E5.6.2 Road accesses and junctions	
Objective: <i>To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.</i>	
Acceptable Solutions	Performance Criteria
A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h.	P1 For roads in an area subject to a speed limit of more than 60km/h, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to: (a) the nature and frequency of the traffic generated by the use; (b) the nature of the road; (c) the speed limit and traffic flow of the road; (d) any alternative access; (e) the need for the access or junction; (f) any traffic impact assessment; and (g) any written advice received from the road authority.
Comment: Complies with A1 Lennon Road has a speed limit of 90km/hr but the proposal is not for a new access or junction. Informal discussions with the road authority indicate that the approved parking in the road reserve would need to be relocated onto the site. This is capable of being conditioned. The application complies with the standard through the Acceptable Solution.	
A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.	P2 For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to: (a) the nature and frequency of the traffic generated by the use; (b) the nature of the road; (c) the speed limit and traffic flow of the road; (d) any alternative access to a road; (e) the need for the access or junction; (f) any traffic impact assessment; and (g) any written advice received from the road authority.
Comment: Not Applicable Lennon Road has a speed limit of 90km/hr.	

The proposal is not for a new level crossing. Clause C5.6.3 does not apply.

Because no new access, junction or level crossing is proposed, it is not considered that Clause E5.6.4 applies. Existing sight distances do not need re-evaluation for the purposes of this change of use application.

5.4.4 E6.0 Parking and Access Code

The car parking Code applies to all use and development.

5.4.4.1 Code Purpose

E6.1 Purpose

E6.1.1 The purpose of this provision is to:

- (a) *ensure safe and efficient access to the road network for all users, including drivers, passengers, pedestrians and cyclists;*
- (b) *ensure enough parking is provided for a use or development to meet the reasonable requirements of users, including people with disabilities;*
- (c) *ensure sufficient parking is provided on site to minimise on-street parking and maximise the efficiency of the road network;*
- (d) *ensure parking areas are designed and located in conformity with recognised standards to enable safe, easy and efficient use and contribute to the creation of vibrant and liveable places;*
- (e) *ensure access and parking areas are designed and located to be safe for users by minimising the potential for conflicts involving pedestrians, cyclists and vehicles; and by reducing opportunities for crime or anti-social behaviour;*
- (f) *ensure that vehicle access and parking areas do not adversely impact on amenity, site characteristics or hazards;*
- (g) *recognise the complementary use and benefit of public transport and non-motorised modes of transport such as bicycles and walking;*
- (h) *provide for safe servicing of use or development by commercial vehicles.*

Comment: Supports the Code Purpose

The proposal:

- (a) does not compromise access to the road network (which lacks pedestrian or dedicated cycling facilities at this point) for any road users;
- (b) would relocate existing approved parking within the road reserve following advice from the road authority, and would be sufficient and suitable for the reasonable requirements of expected users;
- (c) relocates approved on-street parking onto the site to minimise on-street parking, following advice from the road authority;
- (d) has designed and located the new car park, which will replace the existing approved parking area in the road reserve, to conform with recognised standards for safe, easy and efficient use and at the rear of the site where currently only staff park;
- (e) has a new car park designed and located appropriately with respect to all road users (noting there is no footpath or separated cycling facilities at this point on the road, and the sightlines and speeds expected would be suitable for likely visitors walking from the car park to the entry) and with regard to minimising crime and anti-social behaviour;
- (f) the new car park which would replace the existing on-street parking arrangement approved as part of the earlier café development has been designed with regard to site characteristics to avoid hazards while minimising the impact on amenity of users of the site;
- (g) the site does not have access to any public transport or infrastructure designed for non-motorised traffic, nor is its isolated location conducive to significant traffic coming without a car; and
- (h) includes on-site turning for long or commercial vehicles likely to access the site.

5.4.4.2 Use Standards

E6.6.1 Number of Car Parking Spaces

Objective:

To ensure that:

- (a) *there is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available on or outside of the land and the access afforded by other modes of transport.*

E6.6.1 Number of Car Parking Spaces

- (b) a use or development does not detract from the amenity of users or the locality by:
- preventing regular parking overspill;
 - minimising the impact of car parking on heritage and local character.

Acceptable Solutions

A1

The number of on-site car parking spaces must be:

- no less than the number specified in Table E6.1; except if:
 - (i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan.

Performance Criteria

P1

The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:

- car parking demand;
- the availability of on-street and public car parking in the locality;
- the availability and frequency of public transport within a 400m walking distance of the site;
- the availability and likely use of other modes of transport;
- the availability and suitability of alternative arrangements for car parking provision;
- any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;
- any car parking deficiency or surplus associated with the existing use of the land;
- any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;
- the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;
- any verified prior payment of a financial contribution in lieu of parking for the land;
- any relevant parking plan for the area adopted by Council;
- the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;
- whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Schedule.

Comment: Complies with P1

The site contains a building with two or more bedrooms. In Table E6.1, this is required to provide two car parking spaces. For this use, there is ample suitable parking in proximity to the building.

The subject of the proposed change of use application is the Bruny Island House of Whisky. The proposal is "Hotel Industry (tasting house)", with the following car parking requirements:

The public indoor space is considered 45m² (being half of the ground floor, with the other half of the main floor, kitchen and all of upstairs for staff only) @ one space per 3m² is 15 spaces required.

The veranda is a further 45m². Because of the nature of the tasting house use it is not considered reasonable to include the entire front area as "beer garden". The capacity is likely to be similar to the veranda at a much lower density, so it is estimated that another 45m² would count as this use @ one space per 6m² is 15 spaces required.

There is no lounge/dining area, food is not served to tables.

There is no gambling associated with the use.

Although there are takeaway sales, it is ancillary to the tasting and not considered to fall into the "bottle shop" category.

E6.6.1 Number of Car Parking Spaces

There is a room furnished as a bedroom in the staff area. It is hardly ever used for sleeping. Out of an abundance of caution, this assessment will assume it does require a car parking space.

This totals 31 car parking spaces according to Table E6.1.

Dedicated staff parking with space for at least 2 people is provided on site.

The bulk of visitors to the site park in the road reserve, on a service road which has capacity for 11 spaces. This is proposed to be replaced with six new spaces on site in the same area as the existing informal staff parking behind the building. A brief assessment is offered here, with an accompanying Traffic Impact Assessment available in Appendix F.

The proposed parking is considered sufficient for the reasonable needs of the use with regard to:

- (a) the actual demand for car parking is more similar to a Food Services use in the way the business operates. This is explored more in (g). Noting the proposal is retrospective, the manager on site has provided peak car park occupation figures for a period over the busy summer season – this can be assumed to represent maximum likely occupation and is robust in that no model is required;
- (b) although parking within the service road area was previously approved as part of the café development, the road authority has indicated it will no longer tolerate this. Consequently the existing on-street parking is not considered as part of this application;
- (c) there is no public transport within 400m of the site;
- (d) the site is isolated. Lennon Road does not have a footpath or dedicated cycling facilities. There is little availability or likelihood of other modes of transport contributing significantly to access to the site;
- (e) visitors to the site will be directed to the new formalised car park at the rear, if full there may be scope for informal parking on the paddock or informally as a last resort as street parking in the service road (the area to be abandoned);
- (f) the use is 10am-4pm and all staff and visitors will park during this time. The building has separate provision nearer that building. There is no reduction in demand due to sharing of spaces over time or efficiency in combining them;
- (g) the approved Food Services Use was originally shown with 26 seats @ one space per three seats, this would require nine spaces under the current scheme (it is not known what number was approved, although the Permit notes that parking within the road reserve was approved until the road authority needed the land). This is well below that indicated for the Hotel Industry use but more in line with the actual operation of the business;
- (h) none applicable;
- (i) no financial contribution is considered appropriate;
- (j) none applicable;
- (k) none applicable;
- (l) not applicable; and
- (m) not applicable: there are a few significant trees on the site. These will be managed to prevent any impact during construction.

The application complies with the standard through the Performance Criteria.

E6.6.2 Number of Accessible Car Parking Spaces for People with a Disability

Objective:

To ensure that a use or development provides sufficient accessible car parking for people with a disability.

Acceptable Solutions	Performance Criteria
A1 Car parking spaces provided for people with a disability must: (a) satisfy the relevant provisions of the Building Code of Australia; (b) be incorporated into the overall car park design; (c) be located as close as practicable to the building entrance.	P1 No Performance Criteria.

Comment: Complies with A1

The proposal includes six new on-site car parking spaces within a formalised staff parking area at the rear, replacing the spaces previously approved within the road reserve. This:

- (a) satisfies the requirements of the Building Code of Australia;
- (b) is incorporated in the overall design of the new parking area; and
- (c) the dedicated accessible space would be located nearest to the entry.

The number of car parking spaces on site is not more than 20. No dedicated motorcycle parking is required. Clause E6.6.3 does not apply.

C2.5.2 Bicycle parking numbers	
Objective: <i>That an appropriate level of bicycle parking spaces are provided to meet the needs of the use.</i>	
Acceptable Solutions	Performance Criteria
A1 Bicycle parking spaces must: (a) be provided on the site or within 50m of the site; and (b) be no less than the number specified in Table C2.1.	P1 Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to: (a) the likely number of users of the site and their opportunities and likely need to travel by bicycle; and (b) the availability and accessibility of existing and any planned parking facilities for bicycles in the surrounding area.
Comment: Complies with P1 Table E6.2 requires bike parking at a high or medium security level for staff of 1 space per 25m ² of floor area plus 1 per each 100m ² of beer garden, and the same at a low security level for customers. While the Acceptable Solution is met for staff by the potential for communal bike storage in rear sheds on the site, should any choose to use it, there is no dedicated provision for customers. This is considered suitable given the circumstances on the site, having regard to the following: (a) the proposal is for a whiskey tasting business whose operation is largely focussed on the touring traveller rather than locals accessing the site by bicycle. While the odd visitor will attend the site by bicycle, informal arrangements are likely to be suitable for this rare occurrence; (b) the site is remote from any activity centre or settlement and there is no safe, separated cycle path to the site; (c) customers who do attend by bike may lock their cycles informally or leave them in view, and the location of staff provision does not conflict or take away from that. The application complies with the standard through the Performance Criteria.	

5.4.4.3 Development Standards

E6.7.1 Number of Vehicular Accesses	
Objective: <i>To ensure that:</i> (a) <i>safe and efficient access is provided to all road network users, including, but not limited to: drivers, passengers, pedestrians, and cyclists, by minimising:</i> i. <i>the number of vehicle access points; and</i> ii. <i>loss of on-street car parking spaces;</i> (b) <i>vehicle access points do not unreasonably detract from the amenity of adjoining land uses;</i> (c) <i>vehicle access points do not have a dominating impact on local streetscape and character.</i>	
Acceptable Solutions	Performance Criteria
A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.	P1 The number of vehicle access points for each road frontage must be minimised, having regard to all of the following: (a) access points must be positioned to minimise the loss of on-street parking and provide, where possible, whole car parking spaces between access points; (b) whether the additional access points can be provided without compromising any of the following: i. pedestrian safety, amenity and convenience; ii. traffic safety; iii. residential amenity on adjoining land;

E6.7.1 Number of Vehicular Accesses	
	iv. streetscape; v. cultural heritage values if the site is subject to the Local Historic Heritage Code; vi. the enjoyment of any 'al fresco' dining or other outdoor activity in the vicinity.
Comment: Complies with A1 The proposal has one access to Lennon Road via a service road shared by right of way with two other properties. The application complies with the standard through the Acceptable Solution.	

E6.7.2 Design of Vehicular Accesses	
Objective: <i>To ensure safe and efficient access for all users, including drivers, passengers, pedestrians and cyclists by locating, designing and constructing vehicle access points safely relative to the road network.</i>	
Acceptable Solutions	Performance Criteria
A1 Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply 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; (b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.	P1 Design of vehicle access points must be safe, efficient and convenient, having regard to all of the following: (a) avoidance of conflicts between users including vehicles, cyclists and pedestrians; (b) avoidance of unreasonable interference with the flow of traffic on adjoining roads; (c) suitability for the type and volume of traffic likely to be generated by the use or development; (d) ease of accessibility and recognition for users.
Comment: Not Applicable No changes are proposed to the existing access.	

E6.7.3 Vehicular Passing Areas Along an Access	
Objective: <i>To ensure that:</i> (a) <i>the design and location of access and parking areas creates a safe environment for users by minimising the potential for conflicts involving vehicles, pedestrians and cyclists;</i> (b) <i>use or development does not adversely impact on the safety or efficiency of the road network as a result of delayed turning movements into a site.</i>	
Acceptable Solutions	Performance Criteria
A1 Vehicular passing areas must: (a) be provided if any of the following applies to an access: i. it serves more than 5 car parking spaces; ii. is more than 30 m long; iii. it meets a road serving more than 6000 vehicles per day	P1 Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is safe, efficient and convenient, having regard to all of the following: (a) avoidance of conflicts between users including vehicles, cyclists and pedestrians; (b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;

E6.7.3 Vehicular Passing Areas Along an Access

(b) be 6 m long, 5.5 m wide, and taper to the width of the driveway;	(c) suitability for the type and volume of traffic likely to be generated by the use or development;
(c) it meets a road serving more than 6000 vehicles per day;	(d) ease of accessibility and recognition for users.
(d) have the first passing area constructed at the kerb;	
(e) be at intervals of no more than 30 m along the access.	
Comment: Not Applicable No changes are proposed to the existing crossing.	

E6.7.4 On-Site Turning

Objective:

To ensure safe, efficient and convenient access for all users, including drivers, passengers, pedestrians and cyclists, by generally requiring vehicles to enter and exit in a forward direction.

Acceptable Solutions	Performance Criteria
A1 On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following: (a) it serves no more than two dwelling units;	P1 On-site turning may not be required if access is safe, efficient and convenient, having regard to all of the following: (a) avoidance of conflicts between users including vehicles, cyclists, dwelling occupants and pedestrians; (b) avoidance of unreasonable interference with the flow of traffic on adjoining roads; (c) suitability for the type and volume of traffic likely to be generated by the use or development; (d) ease of accessibility and recognition for users; (e) suitability of the location of the access point and the traffic volumes on the road.
Comment: Complies with A1 Onsite turning for light vehicles is provided. The application complies with the standard through the Acceptable Solution.	

E6.7.5 Layout of Parking Areas

Objective:

To ensure that parking areas for cars (including assessable parking spaces), motorcycles and bicycles are located, designed and constructed to enable safe, easy and efficient use.

Acceptable Solutions	Performance Criteria
A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 "Headroom" of the same Standard.	P1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site.
Comment: Complies with A1 The proposed layout of the new car park which will replace the existing spaces in the road reserve has been designed and would be constructed to comply with the relevant standards. The application complies with the standard through the Acceptable Solution.	

E6.7.6 Surface Treatment of Parking Areas

Objective:

To ensure that parking spaces and vehicle circulation roadways do not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

Acceptable Solutions	Performance Criteria
A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following; (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.	P1 Parking spaces and vehicle circulation roadways must not unreasonably detract from the amenity of users, adjoining occupiers or the quality of the environment through dust or mud generation or sediment transport, having regard to all of the following: (a) the suitability of the surface treatment; (b) the characteristics of the use or development; (c) measures to mitigate mud or dust generation or sediment transport.

Comment: Complies with P1

Lennon Road is a sealed carriageway and all parking is within 75m of a property boundary. The now slightly longer driveway and proposed new parking spaces are unsealed, although they do drain to the stormwater system in the road.

The existing unsealed surface treatment (including the recent upgrade of some parts to accommodate larger vehicles turning on-site) is considered not to unreasonably detract from the amenity of users, adjoining occupiers or the quality of the environment through dust or mud, nor sediment transport, having regard to the following:

- (a) the existing compacted gravel surface is considered appropriate in the rural location and in the Zone;
- (b) it is not considered the characteristics of the operation lends itself either to sealed or unsealed car parking; and
- (c) there are no specific measures taken to mitigate mud or dust generation, however given the design of the parking, the short distances and the relatively brief operating hours of a six hour day, mud or dust generation is likely naturally to be restricted.

The application complies with the standard through the Performance Criteria.

The business operating hours are 10am to 4pm. The car park is not lit. Clause E6.7.7 does not apply.

E6.7.8 Landscaping of Parking Areas

Objective:

To ensure that large parking and circulation areas are landscaped to:

- (a) *relieve the visual impact on the streetscape of large expanses of hard surfaces;*
- (b) *screen the boundary of car parking areas to soften the amenity impact on neighbouring properties;*
- (c) *contribute to the creation of vibrant and liveable places;*
- (d) *reduce opportunities for crime or anti-social behaviour by maintaining clear sightlines.*

Acceptable Solutions	Performance Criteria
A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.	P1 Landscaping of parking and circulation areas accommodating more than 5 cars must satisfy all of the following: (a) relieve the visual impact on the streetscape of large expanses of hard surfaces; (b) soften the boundary of car parking areas to reduce the amenity impact on neighbouring properties and the streetscape; (c) reduce opportunities for crime or anti-social behaviour by maintaining passive surveillance opportunities from nearby public spaces and buildings.

Comment: Complies with A1

The proposal requires a new six-space car park on the site, in addition to the existing staff car park. The area of the car park is not considered to need specific landscaping as it is set in a natural environment, would not be sealed and is behind the building it serves with respect to the road. The application complies with the standard through the Acceptable Solution.

There are no dedicated motorcycle parking areas. Clause C6.7.9 does not apply.

There are no dedicated bicycle parking areas available for customers. Staff may have access to informal secure parking if required. It is not considered that Clause E6.7.10 requires assessment.

Because it is not considered that more than 5 formal bicycle parking spaces is provided, end-of-trip facilities are not required. Clause C6.7.11 does not apply.

The site is in the Environmental Living Zone. Clause E6.7.12 does not apply.

E6.7.8 Facilities for Commercial Vehicles	
Objective: <i>To ensure that facilities for commercial vehicles are provided on site, as appropriate.</i>	
Acceptable Solutions	Performance Criteria
A1 Commercial vehicle facilities for loading, unloading or manoeuvring must be provided onsite in accordance with Australian Standard for Off-street Parking, Part 2: Commercial. Vehicle Facilities AS 2890.2:2002, unless: (a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site; (b) the use is not primarily dependent on outward delivery of goods from the site.	P1 Commercial vehicle arrangements for loading, unloading or manoeuvring must not compromise the safety and convenience of vehicular traffic, cyclists, pedestrians and other road users.
Comment: Complies with A1 There is reasonable provision of loading on site. The use as a Hotel Industry – tasting house is not primarily dependent on outward delivery of goods. The application complies with the standard through the Acceptable Solution.	

E6.7.14 Access to a Road	
Objective: <i>To ensure that access to the road network is provided appropriately.</i>	
Acceptable Solutions	Performance Criteria
A1 Access to a road must be in accordance with the requirements of the road authority.	P1 No Performance Criteria.
Comment: Complies with A1 Access would be in line with any requirements of the road authority. The application complies with the standard through the Acceptable Solution.	

5.4.5 E7.0 Stormwater Management Code

The proposal includes replacing an existing area of garden with unsealed car parking and access area.

5.4.5.1 Code Purpose

E7.1 Purpose
<i>E7.1.1 The purpose of this provision is to ensure that stormwater disposal is managed in a way that furthers the objectives of the State Stormwater Strategy</i>
Comment: Supports the Code Purpose The proposal will integrate the new disturbed area replacing the landscaping with the existing parking and access areas, ensuring stormwater drains to the road appropriately.

There are no Use Standards in the Code.

5.4.5.2 Development Standards

E7.7.1 Stormwater Drainage and Disposal	
Objective: <i>To ensure that stormwater quality and quantity is managed appropriately.</i>	
Acceptable Solutions	Performance Criteria
A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	P1 Stormwater from new impervious surfaces must be managed by any of the following: (a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles; (b) collected for re-use on the site; (c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.
Comment: Not Applicable The proposal is not for any new impervious surfaces. The new gravel car park would be designed and constructed to join existing disturbed areas and drain by gravity to the street.	
A2 A stormwater system for a new development must incorporate water sensitive urban design principles ^{R1} for the treatment and disposal of stormwater if any of the following apply: (a) the size of new impervious area is more than 600m²; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots.	P2 No Performance Criteria.
Comment: Not Applicable There would be no new impervious area, the new car parking provided would be six, and the proposal is not for subdivision. The Clause does not apply.	
A3 A minor stormwater drainage system must be designed to comply with all of the following: (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within the existing or upgraded public stormwater infrastructure.	P3 No Performance Criteria.
Comment: Complies with A3 The proposal is considered to be sufficiently accommodated within the existing stormwater disposal system. The additional car parking area is not significant enough to warrant additional works. The application complies with the standard through the Acceptable Solution.	
A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.	P4 No Performance Criteria.
Comment: Not Applicable The proposal is not for a major stormwater drainage system.	

5.4.6 E10.0 Biodiversity Overlay

The entire site is mapped within the Biodiversity overlay area. It is not clear into which category (high, medium or low priority) in Table E10.1 the site falls, but as described below, it is not relevant.

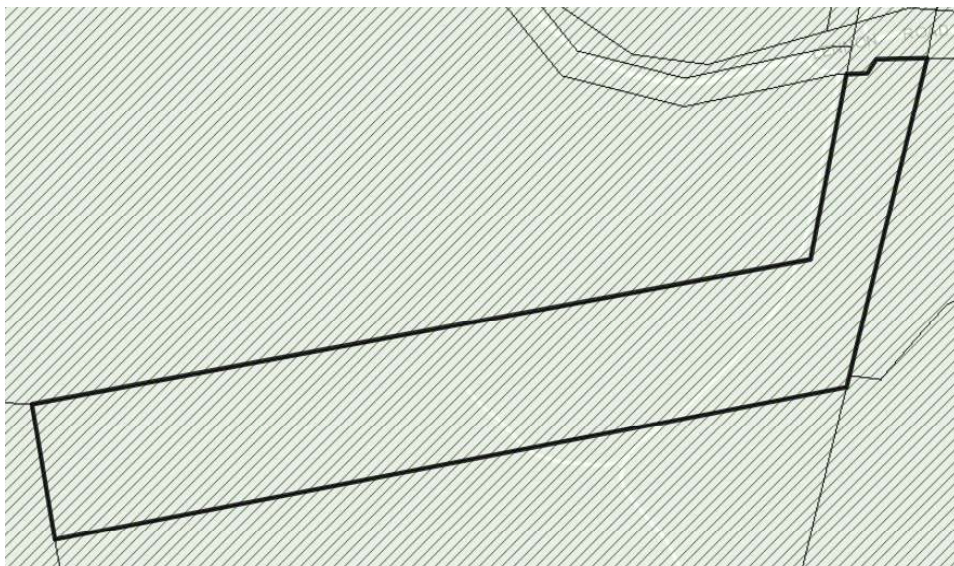


Figure E10.0 Biodiversity Code overlay

Image and data from the LIST, © State of Tasmania

5.4.6.1 Code Purpose

E10.1 Purpose

E10.1.1 The purpose of this provision is to:

- (a) minimise loss of identified threatened native vegetation communities and threatened flora species;
- (b) conserve identified threatened fauna species by minimising clearance of important habitat and managing environmental impact;
- (c) minimise loss of other biodiversity values that are recognised as locally significant by the Planning Authority;

Comment: Supports the Code Purpose

The proposal for a change of use minimises loss of threatened native vegetation communities and flora species and does not clear any important habitat or locally important biodiversity values.

There are no Use Standards in the Biodiversity Code.

5.4.6.2 Development Standards

The proposal includes replacement of existing on-street parking previously approved by the road authority with new on-site car parking. This is to be located in an existing disturbed area (ie, no significant native vegetation). According to Clause E10.4.1 (n), clearance and conversion or disturbance of previously cleared and converted land is exempt from assessment. The Code does not apply.

There is no subdivision proposed. Clause E10.8 does not apply.

5.4.7 E11.0 Waterway and Coastal Protection Code

The site contains a mapped class 4 waterway parallel to the eastern boundary but adjacent to the western one:

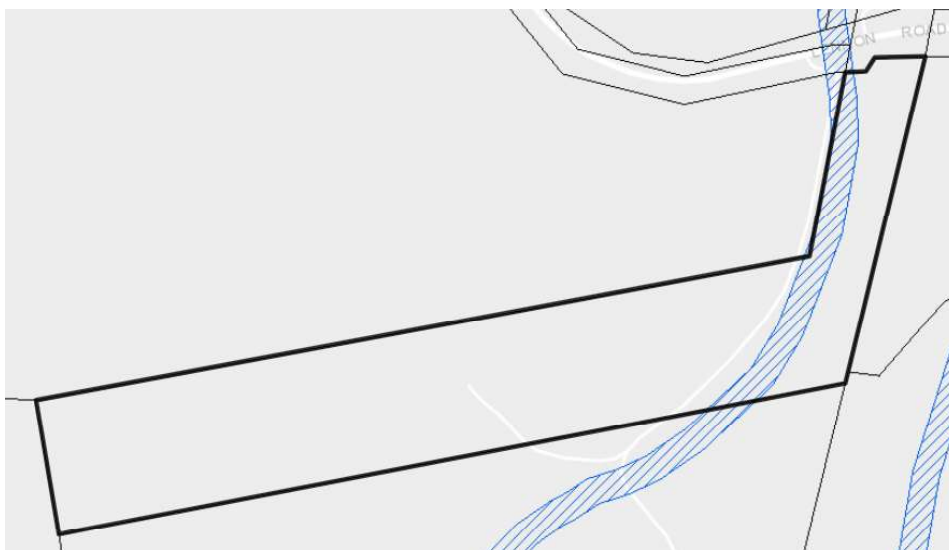


Figure 25 E16.0 Waterway and Coastal Protection Code overlay

Image and data from the LIST, © State of Tasmania

5.4.7.1 Code Purpose

E11.1 Purpose

E7.1.2 The purpose of this provision is to manage vegetation and soil disturbance in the vicinity of wetlands, watercourses and the coastline in order to:

- (a) *minimise impact on water quality, natural values including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes;*
- (b) *minimise impact on coastal and foreshore values, native littoral vegetation, natural coastal processes and the natural ecological function of the coast;*
- (c) *protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.*
- (d) *minimise impact on water quality in potable water supply catchment areas.*

Comment: Supports the Code Purpose

The proposal manages vegetation and soil disturbance near the creek line in a way that minimises impacts on water quality and natural values.

The site is not on the foreshore.

The site is not near a vulnerable coastal area.

The site is not within a potable water supply catchment area.

There are no Use Standards in this Code.

5.4.7.2 Development Standards

The proposal includes replacement of the existing on-street car parking spaces with a new on-site car park. This has been designed to avoid any development actually within the waterway buffer area, so Clause E11.7 does not apply.

There is no subdivision proposed. Clause E11.8 does not apply.

5.4.8 E14.0 Scenic Landscapes Code

Part of the site (that part of the hill above AHD 100m) is within a Scenic Landscape Area. It is not further defined in Table E14.1.



Figure 26 Scenic Landscape Management Area overlay

Image and data from the LIST, © State of Tasmania

5.4.8.1 Code Purpose

E14.1 Purpose	
E14.1.1	<i>The purpose of this provision is to recognise and protect landscapes that are important for their scenic values.</i>
Comment: Supports the Code Purpose	
Development has been directed away from the hilltop towards the lower part of the site.	

There are no Use Standards in the Code.

5.4.8.2 Development Standards

The proposal is for change of use only. No clearance of vegetation within the Scenic Landscape Area on the site, nor any new building within that area, is proposed. The site is not along a Scenic Landscape Corridor. Clause E14.7 does not apply.

5.4.9 E17.0 Signs Code

The site is a commercial business with a desire both to identify the site for visitors with the intention of attending the site, and to promote the site and attract passing trade.

Besides blue roadside signs in accordance with Department of State Growth guidelines and any statutory signs relating to car parking, the business has signs hanging on the boundary fence facing west towards traffic coming from the ferry terminal:

In addition to the hanging “OPEN” sign on the fence, there is also an “OPEN” flag identifying the crossing put out each morning and returned each afternoon. This is considered a Portable Sign on a public reservation in the definitions in E17.3.2 and therefore controlled by licence under the Council’s By-Laws.

Historically there was a faded, overgrown wall sign on the frontage. This has been removed.

5.4.9.1 Code Purpose

E14.1 Purpose	
E17.1.1	<i>The purpose of this provision is to:</i>
	<i>(a) provide opportunities for commercial advertising essential to support and encourage business activity;</i>

- (b) *promote the use of well designed signs that complement and enhance the streetscape and do not exacerbate visual clutter or adversely impact on residential amenity;*
- (c) *promote signs which assist with way-finding and pedestrian usability as part of a coordinated interpretative and directional signage framework;*
- (d) *ensure that signs do not adversely impact on the cultural heritage values of places of cultural significance.*

Comment: Supports the Code Purpose

The business is able to advertise on site, drawing attention to itself and informing passers by of what is available within.

The signs, independent of content, are appropriately designed and complement the streetscape without exacerbating visual clutter or adversely impacting on residential amenity in the Zone.

The business has already taken advantage of Tasmanian Tourism Information Signs. The road does not have a footpath at this point and pedestrian usability is not a significant consideration.

The site is not listed for cultural heritage values.

5.4.9.2 Use Standards

E17.6.1 Use of Signs

Objective:

To ensure that the use of signs complements or enhances the built or natural environment in which they are located.

Acceptable Solutions

Performance Criteria

A1

A sign must be a permitted sign in Table E.17.3.

P1

A sign must be a discretionary sign in Table E.17.3.

Comment: Complies with P1

A wall sign is Discretionary in the Environmental Living Zone in Table E17.3

The application complies with the standard through the Performance Criteria.

A2

A sign associated with the sale of goods or services must relate directly to the use of the building or site to which it is affixed.

P2

No performance criteria.

Comment: Complies with A2

The signs are for goods available within the site.

The application complies with the standard through the Acceptable Solution.

A3

A sign must not contain flashing lights, moving parts or moving or changing messages or graphics, except if a Statutory Sign

P3

A sign contain flashing lights, moving parts or moving or changing messages or graphics must not have an unreasonable impact upon the residential amenity of a residential use caused by light shining into windows of habitable rooms, movement or visual intrusion or cause undue distraction to drivers of motor vehicles.

Comment: Complies with P3

The signs are simple posters with no electrical or mechanical parts.

The application complies with the standard through the Acceptable Solution.

A4

An illuminated sign must not be located within 30 metres of a residential use, except if a Statutory Sign

P4

An illuminated sign within 30 metres of a residential use must not have an unreasonable impact upon the residential amenity of that use caused by light shining into windows of habitable rooms.

Comment: Not Applicable

The signs are not illuminated and anyway not within 30m of the residential use on the same site, or any other.

5.4.9.3 Development Standards

E17.7.1 Standards for Signs	
Objective: <i>To ensure that the design and siting of signs complement or enhance the characteristics of the natural and built environment in which they are located.</i>	
Acceptable Solutions	Performance Criteria
A1 A sign must comply with the standards listed in Table E.17.2 and be a permitted sign in Table E17.3.	P1 A sign not complying with the standards in Table E17.2 or has discretionary status in Table E17.3 must satisfy all of the following: (a) be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape; (b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located; (c) be constructed of materials which are able to be maintained in a satisfactory manner at all times; (d) not result in loss of amenity to neighbouring properties; (e) not involve the repetition of messages or information on the same street frontage; (f) not contribute to or exacerbate visual clutter; (g) not cause a safety hazard.
Comment: Complies with P1 The proposal is Discretionary in Table E17.3, but does achieve the standards listed in Table E17.2 i.e.: (a) front face only; (b) does not project further than 450mm from the fence to which it is attached; (c) does not extend above or beyond the fence to which it is attached; and (d) no individual sign has an area of more than 2m². The signs are considered to satisfy the Performance Criteria as follows: (a) the signs are attached to the property fence in a suitable way to be attractive without dominating the streetscape; (b) are suitably sized for the location and site; (c) are suitably durable to be easily maintained without quickly appearing shabby; (d) the signs have not caused a complaint since they were erected and can therefore be concluded not to cause loss of amenity to neighbouring properties; (e) each sign has a unique message such that they work together without repeating information unnecessarily; (f) the three signs do not cause visual clutter; and (g) the signs are not a safety hazard. The application complies with the standard through the Performance Criteria.	
A2 The number of signs per business per street frontage must comply with all of the following: (a) maximum of 1 of each sign type; (b) maximum of 1 window sign per window; (c) if the street frontage is less than 20 m in length, the maximum number of signs on that frontage is 3; (d) if the street frontage is 20 m in length or greater, the maximum number of signs on that frontage is 6	P2 The number of signs per business per street frontage must: (a) minimise any increase in the existing level of visual clutter in the streetscape; and where possible, shall reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs; (b) reduce the existing level of visual clutter in the streetscape by replacing, where practical, existing signs with fewer, more effective signs;

E17.7.1 Standards for Signs	
except for the following sign types, for which there is no limit; i. Building Site, ii. Name Plate, iii. Newspaper Day Bill, iv. Open/Closed, v. Real Estate, vi. Street Number, vii. Temporary Sign.	(c) not involve the repetition of messages or information.
Comment: Complies with P2 The proposal is for three wall signs. The number of signs for the business on the street frontage is considered to meet the Performance Criteria as follows: (a) three wall signs are not considered to contribute to visual clutter in the area; (b) because of the changing nature of what products are available on site, it is not considered practical to replace the three potentially interchangeable wall signs with one single, larger wall sign; and (c) apart from the consistent branding, the signs contain unique information. The application complies with the standard through the Performance Criteria.	
A3 Signs must not obscure or prevent or delay a driver from seeing a Statutory Sign or a Tourist Information Sign.	P3 No performance criteria.
Comment: Complies with A3 The signs are not located to prevent or delay a driver from seeing any roadside sign. The application complies with the standard through the Acceptable Solution.	
A4 Signs must not resemble Statutory Signs because of the same or similar shape, size, design, colour, letter size or lighting.	P4 No performance criteria.
Comment: Complies with A4 The signs are not located to prevent or delay a driver from seeing any roadside sign. The application complies with the standard through the Acceptable Solution.	

The site is not a Heritage Place, nor within a Heritage Precinct or Cultural Landscape Precinct. Clause E17.7.2 does not apply.

5.4.10 Other Codes

This section describes Codes that do not apply, and a brief description of why they are not considered relevant.

5.4.10.1 E2.0 Potentially Contaminated Land Code

There is no current or known historical use on the site which could be Potentially Contaminating. The Potentially Contaminated Land Code does not apply.

5.4.10.2 E8.0 Electricity Transmission Infrastructure Protection Code

The site does not include land within the mapped extent of any Electricity Transmission Infrastructure Protection Corridor or Buffer. The Electricity Transmission Infrastructure Protection Code does not apply.

5.4.10.3 E9.0 Attenuation Code

The Hotel Industry (tasting house) Use does not create a new Attenuation Area, nor is it a sensitive use, nor is there any existing attenuation buffer which may affect the use. The Attenuation Code does not apply.

5.4.10.4 E13.0 Local Historic Heritage Code

The land and no part of the access is mapped as a Heritage Place, Heritage Precinct, Cultural Landscape Precinct, or Place of Archaeological Potential. The Local Historic Heritage Code does not apply.

5.4.10.5 E15.0 Inundation Prone Areas Code

Although there was flooding at the site, this was because of poor stormwater management relating to a now-fixed issue of infrastructure on the land. The site is not considered inundation prone, therefore the Code does not apply.

5.4.10.6 E16.0 Coastal Erosion Hazard Code

The site is inland and not subject to mapped Coastal Erosion Hazard bands. The Coastal Erosion Hazard Code does not apply.

5.4.10.7 E18.0 Wind and Solar Energy Code

The proposal is not for a wind or solar energy application. The Wind and Solar energy Code does not apply.

5.4.10.8 E19.0 Telecommunications Code

The proposal is not for telecommunications infrastructure. The Telecommunications Code does not apply.

5.4.10.9 E20.0 Acid Sulfate Soils Code

The site is not affected by Acid Sulfate Soils. The Acid Sulfate Soils Code does not apply.

5.4.10.10 E21.0 Dispersive Soils Code

The site is not affected by Dispersive Soils. The Dispersive Soils Code does not apply.

5.4.10.11 E23.0 On-Site Wastewater Management Code

The proposal does not involve new onsite wastewater disposal. The Onsite-Wastewater Management Code does not apply.

5.4.10.12 E24.0 Significant Trees Code

The subject land does not contain any tree in Table E24.1. The Significant Trees Code does not apply.

5.4.10.13 E24.0 Local Development Code

This Code controls building height in the coastal proximity area, defined essentially as the first private land to front the coastal reserve. The site is separated from the high water mark by land at 341 Lennon Road, 515 Lennon Road (three parcels), and "Lot 1, Lennon Road". The site is not considered within the coastal proximity area, therefore the Local Development Code does not apply.

5.5 Tasmanian Planning Scheme – Kingborough

The Kingborough municipality is currently in the process of adopting a Local Provisions Schedule in order to switch to the Tasmanian Planning Scheme.

The proposed amendment has not been included in any available or exhibited draft LPS but if approved should be carried forward like-for-like. GHD will likely make a representation to this effect when the opportunity arises.

At this stage, no alternative pathway to approval within the Tasmanian Planning Scheme is proposed, nor is considered suitable.

6. Conclusion and Recommendations

This report has provided a detailed assessment of both the proposed scheme amendment for a Site-Specific Qualification for the land at 360 Lennon Road (CT25139/1) and the planning application for the current use, if the Site Specific Qualification is approved. In line with advice from the road authority, the existing approved car park in the road reserve would be replaced with an on-site car park.

The report includes evidence that appropriate parties have consented in accordance with the relevant sections of LUPAA.

Based on the information available, it is shown in this report that the proposed Site-Specific Qualification and planning permit application for change of use is compliant with the relevant criteria and is capable of meeting the applicable standards of the Planning Scheme (as amended) and ought to be approved.

The proposal will allow an existing business to continue its successful trade attracting tourists to this part of Southern Tasmania.

6.1 Recommendations

- That the scheme amendment be initiated by Council, thus allowing the current use to operate from the site.
- That any such amendment be included in any Local Provisions Schedule under the Tasmanian Planning Scheme adopted by Kingborough Council in the future.

Appendices

Appendix A

Certificates of Title and Consents

Appendix B

Aboriginal Heritage Search Record and Unanticipated Discovery Plan

Appendix C

Natural Values Assessment Desktop Report and Environmental Management Plan

Appendix D

Enforcement Documents

Appendix E

Existing Approval Documents

Appendix F

Traffic Impact Assessment

Appendix G

Kingborough Strategic Plan 2020-2025

Appendix H

Bruny Island Tourism Strategy



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