

Track changes are additional to the Panel's Draft Decision Version

## Section 38 Subdivision

### RULE 10 Subdivision creating environmental benefit lots

1. Subdivision creating environmental benefit lots in the Rural Lifestyle Zone is a **discretionary activity** provided:
  - a) The site to be subdivided offers the opportunity to achieve at least one of the following:
    - i) Restoration or enhancement of an identified under-represented ecosystem (refer Figure 2); or
    - ii) Restoration of indigenous biodiversity; or
    - iii) Enhancement of indigenous biodiversity; or
    - iv) Creation of a buffer to a under-represented or threatened indigenous ecosystem/s; or
    - v) Creation of an ecological stepping stone or corridor to link indigenous ecosystem/s; or
    - vi) Restoration or enhancement of a wetland or dune habitat; or
    - ~~vi)~~vii) Legal protection and restoration or enhancement of a modified or degraded area of natural character or an area of High Natural Character or Outstanding Natural Character identified on the Overlay Maps.
  - b) The area to be set aside for restoration or enhancement and protection is at least equivalent to the total area of new lots created; and
  - c) The minimum area of each new lot created is 5,000 m<sup>2</sup>; and
  - d) The application is accompanied by a report prepared by a suitably qualified ~~ecologist~~ professional that:
    - i) Identifies the area/feature to be created, restored or enhanced and protected; and
    - ii) Confirms that the area/feature, or part of it, (where it forms part of a larger natural area) that has been identified for protect and restoration or enhancement will provide the greatest biodiversity gains for or outcomes for protection of natural character the site; and
    - iii) Includes a management plan specifying the steps to be taken to create, restore or enhance the area/feature and its ongoing management and monitoring requirements to ensure that the biodiversity gains are maintained;
    - iv) Specifies how the area/feature will be legally protected in perpetuity; and
  - e) The new lots created are not dependent upon public water or wastewater infrastructure; and
  - f) No more than four environmental benefit lots are created per lot.
2. Subdivision creating environmental benefit lots in the Rural Lifestyle Zone that is not a discretionary activity under Rule 10.1 is a **non-complying activity**.

## Section 3 Definitions

**Afforestation** means a new tree plantation for wood products forestry on land not previously planted in a plantation forest trees, or a new tree plantation forest not covered by existing use rights. It includes all phases of the production cycle, such as establishment, planting, stand maintenance, infrastructure maintenance, and harvesting, but excludes associated wood processing activities, for example sawmills and pulp and paper production, except for the operation of mobile sawmill facilities on a site no longer than 3 months in any 12 month period.

For the avoidance of doubt, 'wood products' means trees are or will be harvested for end products made of wood, e.g. timber, firewood, wood pellets, etc. This does not include other products from trees, such as oil, pollen, nectar for honey, fruit, etc. For this activity, refer to the 'farming' definition. It also does not include removing old trees or sporadic tree removal and using its wood products incidental to the main purpose of the tree, e.g. using a fallen tree for firewood.

For the avoidance of doubt, 'tree plantation' does not include trees planted for gardening, erosion prevention, ecological restoration, or shelter belts.

~~**Plantation Forestry** means a tree plantation for wood products, including all phases of the production cycle, such as establishment, planting, stand maintenance, infrastructure maintenance, and harvesting.~~

~~Plantation forestry excludes associated wood processing activities, for example sawmills and pulp and paper production, except for the operation of mobile sawmill facilities on a site no longer than 3 months in any 12 month period.~~