

## **C7.0 Natural Assets Code**

### **C7.1 Code Purpose**

The purpose of the Natural Assets Code is:

- C7.1.1 To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.
- C7.1.2 To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.
- C7.1.3 To 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.
- C7.1.4 To minimise impacts on identified priority vegetation.
- C7.1.5 To manage impacts on threatened fauna species by minimising clearance of significant habitat.

### **C7.2 Application of this Code**

C7.2.1 This code applies to development on land within the following areas:

- (a) a waterway and coastal protection area;
- (b) a future coastal refugia area; and
- (c) a priority vegetation area only if within the following zones:
  - (i) Rural Living Zone;
  - (ii) Rural Zone;
  - (iii) Landscape Conservation Zone;
  - (iv) Environmental Management Zone;
  - (v) Major Tourism Zone;
  - (vi) Utilities Zone;
  - (vii) Community Purpose Zone;
  - (viii) Recreation Zone;
  - (ix) Open Space Zone;
  - (x) Future Urban Zone;
  - (xi) Particular Purpose Zone; or
  - (xii) General Residential Zone or Low Density Residential Zone, only if an application for subdivision.

C7.2.2 This code does not apply to use.

## C7.3 Definition of Terms

C7.3.1 In this code, unless the contrary intention appears:

Term	Definition
coastal values	means the values of coastal areas derived from their coastal habitat and vegetation, physical elements, landscape values, recreational values and economic values and the processes and functions that underpin them.
future coastal refugia	means land where coastal processes are likely to occur naturally and can continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes, and other sensitive coastal habitats due to sea-level rise.
future coastal refugia area	means land shown on an overlay map in the relevant Local Provisions Schedule, as within a future coastal refugia area.
littoral vegetation	means vegetation adjacent to a sea, lake or river that is close to the shore. It includes the intertidal zone to high water mark and can include wetlands.
natural streambank and streambed condition	means the natural rate of erosion or accretion of the bank and bed of a watercourse and natural hydrological processes, as determined using <i>The Tasmanian River Condition Index Book 2 Hydrology User's Manual and Book 3 Physical Form Field Manual</i> .
natural assets	means biodiversity, environmental flows, natural streambank and streambed condition, riparian vegetation, littoral vegetation, water quality, wetlands, river condition and waterway and/or coastal values.
priority vegetation	means native vegetation where any of the following apply: (a) it forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the <i>Nature Conservation Act 2002</i> ; (b) is a threatened flora species; (c) it forms a significant habitat for a threatened fauna species; or (d) it has been identified as native vegetation of local importance.
priority vegetation area	means land shown on an overlay map in the relevant Local Provisions Schedule, as within a priority vegetation area.
residual impacts	means those environmental effects predicted to remain after the initial effects of development have been avoided or minimised through design.

Term	Definition
riparian vegetation	means vegetation found within or adjacent to watercourses, wetlands, lakes and recharge basins.
river condition	means condition of a waterway as determined using the <i>Tasmanian River Condition Index</i> .
significant habitat	means the habitat within the known or core range of a threatened fauna species, where any of the following applies: <ul style="list-style-type: none"> <li>(a) is known to be of high priority for the maintenance of breeding populations throughout the species' range; or</li> <li>(b) the conversion of it to non-priority vegetation is considered to result in a long-term negative impact on breeding populations of the threatened fauna species.</li> </ul>
threatened fauna species	means listed under the <i>Threatened Species Protection Act 1995</i> or listed as threatened or migratory under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
threatened flora species	means listed under the <i>Threatened Species Protection Act 1995</i> or as threatened under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
waterway and coastal protection area	<p>means land:</p> <ul style="list-style-type: none"> <li>(a) shown on an overlay map in the relevant Local Provisions Schedule as within a waterway and coastal protection area; or</li> <li>(b) within the relevant distance from a watercourse, wetland, lake or the coast shown in the Table C7.3 below, but does not include a piped watercourse or piped drainage line.</li> </ul> <p>If an inconsistency for the width exists between Table C7.3 and the area shown on the overlay map, the greater distance prevails, excluding the width measured from the high water mark of tidal waters where the distance shown on the overlay map in the relevant Local Provisions Schedule prevails.</p> <p>The depiction of a watercourse, or a section of a watercourse on an overlay map in the relevant Local Provisions Schedule, is definitive regardless of the actual area of the catchment.</p>
waterway values	means the values of watercourses and wetlands derived from their aquatic habitat and riparian vegetation, physical elements, landscape function, recreational function and economic function.

**Table C7.3 Spatial Extent of Waterway and Coastal Protection Areas**

Spatial Extent of Waterway and Coastal Protection Areas	Width
Class 1: Watercourses named on the 1:100,000 topographical series maps, lakes, artificial water storages (other than farm dams), and the high water mark of tidal waters.	40m
Class 2: Watercourses from the point where their catchment exceeds 100ha.	30m
Class 3: Watercourses carrying running water for most of the year between the points where their catchment is from 50ha to 100ha.	20m
Class 4: All other watercourses carrying running water for part or all of the year for most years.	10m
Ramsar Wetlands: Wetlands listed under the Convention on Wetlands of International Importance, (the Ramsar Convention).	100m
Other Wetlands: Wetlands not listed under the Ramsar Convention.	50m
<p>(a) For the purpose of spatially defining 'width' in Table C7.3:</p> <ul style="list-style-type: none"> <li>(i) width is measured from the top of bank or high water mark of tidal waters, watercourses or freshwater lakes; and</li> <li>(ii) in the case of watercourses or wetlands, the waterway and coastal protection area includes the waterway or wetland itself, being between the top of the banks on either side.</li> </ul> <p>(b) Any watercourse, including the tidal waters of any river, creek or stream, within or adjoining the following zones is deemed to be a Class 4 watercourse:</p> <ul style="list-style-type: none"> <li>(i) Inner Residential Zone;</li> <li>(ii) General Residential Zone;</li> <li>(iii) Low Density Residential Zone;</li> <li>(iv) Urban Mixed Use Zone;</li> <li>(v) Local Business Zone;</li> <li>(vi) General Business Zone;</li> <li>(vii) Central Business Zone;</li> <li>(viii) Commercial Zone;</li> <li>(ix) Light Industrial Zone;</li> <li>(x) Major Tourism Zone;</li> <li>(xi) Port and Marine Zone;</li> <li>(xii) Particular Purpose Zone; or</li> <li>(xiii) Future Urban Zone.</li> </ul>	

## **C7.4 Use or Development Exempt from this Code**

C7.4.1 The following use or development is exempt from this code:

- (a) works by or on behalf of the Crown, State authority, or council to remedy an unacceptable risk to public or private safety or to mitigate or prevent environmental harm;
- (b) development assessed as a Level 2 Activity;
- (c) clearance of native vegetation within a priority vegetation area,
  - (i) on existing pasture or crop production land; or
  - (ii) if the vegetation is within a private garden, public garden or park, national park, or within State-reserved land or a council reserve,provided the native vegetation is not protected by legislation, a permit condition, an agreement made under section 71 of the Act, or a covenant;
- (d) forest practices or forest operations in accordance with a forest practices plan certified under the *Forest Practices Act 1985*, unless for the construction of a building or the carrying out of any associated development;
- (e) works by or on behalf of the Crown, State authority, or council for the protection of a water supply, watercourse, lake, wetland, or tidal waters or coastal assets as part of an endorsed or approved management plan;
- (f) coastal protection works by or on behalf of the Crown, State authority, or council that have been designed by a suitably qualified person; and
- (g) consolidation of lots.

## C7.5 Use Standards

C7.5.1 There are no Use Standards in this code.

## C7.6 Development Standards for Buildings and Works

C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area

Objective:	That buildings and works within a waterway and coastal protection area or future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets.	
Acceptable Solutions		Performance Criteria
<b>A1</b>  Buildings and works within a waterway and coastal protection area must: <ul style="list-style-type: none"> <li>(a) be within a building area on a sealed plan approved under this planning scheme;</li> <li>(b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5m in width; or</li> <li>(c) if within the spatial extent of tidal waters, be an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway that is not more than 20% of the area of the facility existing at the effective date.</li> </ul>		<b>P1.1</b>  Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to: <ul style="list-style-type: none"> <li>(a) impacts caused by erosion, siltation, sedimentation and runoff;</li> <li>(b) impacts on riparian or littoral vegetation;</li> <li>(c) maintaining natural streambank and streambed condition, where it exists;</li> <li>(d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</li> <li>(e) the need to avoid significantly impeding natural flow and drainage;</li> <li>(f) the need to maintain fish passage, where known to exist;</li> <li>(g) the need to avoid land filling of wetlands;</li> <li>(h) the need to group new facilities with existing facilities, where reasonably practical;</li> <li>(i) minimising cut and fill;</li> <li>(j) building design that responds to the particular size, shape, contours or slope of the land;</li> <li>(k) minimising impacts on coastal processes, including sand movement and wave action;</li> <li>(l) minimising the need for future works for the protection of natural assets, infrastructure and property;</li> <li>(m) the environmental best practice guidelines in the</li> </ul>

	<p><i>Wetlands and Waterways Works Manual</i>; and</p> <p>(n) the guidelines in the <i>Tasmanian Coastal Works Manual</i>.</p> <p><b>P1.2</b></p> <p>Buildings and works within the spatial extent of tidal waters must be for a use that relies upon a coastal location to fulfil its purpose, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the need to access a specific resource in a coastal location;</li> <li>(b) the need to operate a marine farming shore facility;</li> <li>(c) the need to access infrastructure available in a coastal location;</li> <li>(d) the need to service a marine or coastal related activity;</li> <li>(e) provision of essential utility or marine infrastructure; or</li> <li>(f) provisions of open space or for marine-related educational, research, or recreational facilities.</li> </ul>
<p><b>A2</b></p> <p>Buildings and works within a future coastal refugia area must be located within a building area on a sealed plan approved under this planning scheme.</p>	<p><b>P2.1</b></p> <p>Buildings and works within a future coastal refugia area must allow for natural coastal processes to continue to occur and avoid or minimise adverse impacts on natural assets, having regard to:</p> <ul style="list-style-type: none"> <li>(a) allowing for the landward transgression of sand dunes and the landward colonisation of wetlands, saltmarshes and other coastal habitats from adjacent areas;</li> <li>(b) avoiding the creation of barriers or drainage networks that would prevent future tidal inundation;</li> <li>(c) allowing the coastal processes of sand deposition or erosion to continue to occur;</li> <li>(d) the need to group new facilities with existing facilities, where reasonably practical;</li> <li>(e) the impacts on native vegetation;</li> <li>(f) minimising cut and fill;</li> <li>(g) building design that responds to the particular size, shape, contours or slope of the land;</li> <li>(h) the impacts of sea-level rise on natural coastal</li> </ul>

	<p>processes and coastal habitat;</p> <p>(i) the environmental best practice guidelines in the <i>Wetlands and Waterways Works Manual</i>; and</p> <p>(j) the guidelines in the <i>Tasmanian Coastal Works Manual</i>.</p> <p><b>P2.2</b></p> <p>Buildings and works within a future coastal refugia area must be for a use that relies upon a coastal location to fulfil its purpose, having regard to:</p> <p>(a) the need to access a specific resource in a coastal location;</p> <p>(b) the need to operate a marine farming shore facility;</p> <p>(c) the need to access infrastructure available in a coastal location;</p> <p>(d) the need to service a marine or coastal related activity;</p> <p>(e) provision of essential utility or marine infrastructure; and</p> <p>(f) provision of open space or for marine-related educational, research, or recreational facilities.</p>
<p><b>A3</b></p> <p>Development within a waterway and coastal protection area or a future coastal refugia area must not involve a new stormwater point discharge into a watercourse, wetland or lake.</p>	<p><b>P3</b></p> <p>Development within a waterway and coastal protection area or a future coastal refugia area involving a new stormwater point discharge into a watercourse, wetland or lake must avoid or minimise adverse impacts on natural assets, having regard to:</p> <p>(a) the need to minimise impacts on water quality; and</p> <p>(b) the need to mitigate and manage any impacts likely to arise from erosion, sedimentation or runoff.</p>
<p><b>A4</b></p> <p>Dredging or reclamation must not occur within a waterway and coastal protection area or a future coastal refugia area.</p>	<p><b>P4.1</b></p> <p>Dredging or reclamation within a waterway and coastal protection area or a future coastal refugia area must minimise adverse impacts on natural coastal processes and natural assets, having regard to:</p> <p>(a) impacts caused by erosion, siltation,</p>



	<p>sedimentation and runoff;</p> <ul style="list-style-type: none"> <li>(b) impacts on riparian or littoral vegetation;</li> <li>(c) the need to avoid land filling of wetlands;</li> <li>(d) impacts on sand movement and wave action; and</li> <li>(e) the potential for increased risk to inundation of adjacent land.</li> </ul> <p><b>P4.2</b></p> <p>Dredging or reclamation within a waterway and coastal protection area or a future coastal refugia area must be necessary:</p> <ul style="list-style-type: none"> <li>(a) to continue an existing use or development on adjacent land; or</li> <li>(b) for a use which relies upon a coastal location to fulfil its purpose, having regard to: <ul style="list-style-type: none"> <li>(i) the need to access a specific resource in a coastal location;</li> <li>(ii) the need to operate a marine farming shore facility;</li> <li>(iii) the need to access infrastructure available in a coastal location;</li> <li>(iv) the need to service a marine or coastal related activity;</li> <li>(v) provision of essential utility or marine infrastructure; and</li> <li>(vi) provision of open space or for marine-related educational, research, or recreational facilities.</li> </ul> </li> </ul>
<p><b>A5</b></p> <p>Coastal protection works or watercourse erosion or inundation protection works must not occur within a waterway and coastal protection area or a future coastal refugia area.</p>	<p><b>P5</b></p> <p>Coastal protection works or watercourse erosion or inundation protection works within a waterway and coastal protection area or a future coastal refugia area must be designed by a suitably qualified person and minimise adverse impacts on natural coastal processes, having regard to:</p> <ul style="list-style-type: none"> <li>(a) impacts on sand movement and wave action; and</li> <li>(b) the potential for increased risk of inundation to adjacent land.</li> </ul>

C7.6.2 Clearance within a priority vegetation area

Objective:	<p>That clearance of native vegetation within a priority vegetation area:</p> <ul style="list-style-type: none"> <li>(a) does not result in unreasonable loss of priority vegetation;</li> <li>(b) is appropriately managed to adequately protect identified priority vegetation; and</li> <li>(c) minimises and appropriately manages impacts from construction and development activities..</li> </ul>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme.</p>	<p><b>P1.1</b></p> <p>Clearance of native vegetation within a priority vegetation area must be for:</p> <ul style="list-style-type: none"> <li>(a) an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person;</li> <li>(b) buildings and works associated with the construction of a single dwelling or an associated outbuilding;</li> <li>(c) subdivision in the General Residential Zone or Low Density Residential Zone;</li> <li>(d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;</li> <li>(e) clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or</li> <li>(f) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.</li> </ul> <p><b>P1.2</b></p> <p>Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the design and location of buildings and works and any constraints such as topography or land hazards;</li> </ul>

	<ul style="list-style-type: none"> <li>(b) any particular requirements for the buildings and works;</li> <li>(c) minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings;</li> <li>(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;</li> <li>(e) any on-site biodiversity offsets; and</li> <li>(f) any existing cleared areas on the site.</li> </ul>
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## C7.7 Development Standards for Subdivision

### C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area

Objective:	<p>That:</p> <ul style="list-style-type: none"> <li>(a) works associated with subdivision within a waterway and coastal protection area or a future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets; and</li> <li>(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural assets.</li> </ul>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must:</p> <ul style="list-style-type: none"> <li>(a) be for the creation of separate lots for existing buildings;</li> <li>(b) be required for public use by the Crown, a council, or a State authority;</li> <li>(c) be required for the provision of Utilities;</li> <li>(d) be for the consolidation of a lot; or</li> <li>(e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area.</li> </ul>	<p><b>P1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must minimise adverse impacts on natural assets, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the need to locate building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or a future coastal refugia area; and</li> <li>(b) future development likely to be facilitated by the subdivision.</li> </ul>

C7.7.2 Subdivision within a priority vegetation area

Objective:	<p>That:</p> <ul style="list-style-type: none"> <li>(a) works associated with subdivision will not have an unnecessary or unacceptable impact on priority vegetation; and</li> <li>(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority vegetation.</li> </ul>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must:</p> <ul style="list-style-type: none"> <li>(a) be for the purposes of creating separate lots for existing buildings;</li> <li>(b) be required for public use by the Crown, a council, or a State authority;</li> <li>(c) be required for the provision of Utilities;</li> <li>(d) be for the consolidation of a lot; or</li> <li>(e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area.</li> </ul>	<p><b>P1.1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for:</p> <ul style="list-style-type: none"> <li>(a) subdivision for an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person;</li> <li>(b) subdivision for the construction of a single dwelling or an associated outbuilding;</li> <li>(c) subdivision in the General Residential Zone or Low Density Residential Zone;</li> <li>(d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;</li> <li>(e) subdivision involving clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or</li> <li>(f) subdivision involving clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.</li> </ul> <p><b>P1.2</b></p> <p>Works association with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards;</li> </ul>

	<ul style="list-style-type: none"><li>(b) any particular requirements for the works and future development likely to be facilitated by the subdivision;</li><li>(c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;</li><li>(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;</li><li>(e) any on-site biodiversity offsets; and</li><li>(f) any existing cleared areas on the site.</li></ul>
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