

## **E11.0 Waterway and Coastal Protection Code**

### **E11.1 Purpose**

E11.1.1 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.

## E11.2 Application

E11.2.1 This code applies to development within:

- (a) Waterway and Coastal Protection Areas;
- (b) Future Coastal Refugia Areas;
- (c) Potable Water Supply Areas.

This code does not apply to use.

## E11.3 Definition of Terms

E11.3.1 In this code, unless the contrary intention appears;

buildings and works dependant on a coastal location	means buildings and works for which there is a demonstrated need to be located at a coastal location, and includes boat sales and storage, marine farming shore facilities, marine-related public open space & recreation facilities, pleasure boat facilities, roads & other utilities, wharves and food services facilities serving users of coastal areas. Dwellings are not included.
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 Area	means land within a Future Coastal Refugia Area shown on the planning scheme maps.
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 The Tasmanian River Condition Index (TRCI): Physical Form Field Manual and Hydrology User's Manual (NRM South 2009).  (This does not imply absolute stability as the bank and bed of all streams is subject to natural erosion over time. Thus, an unstable bank or bed is one that erodes at a faster rate than natural).
natural values	means biodiversity, environmental flows, natural streambank stability and stream bed condition, riparian vegetation, littoral vegetation, water quality, wetlands, river condition and waterway and/or coastal values.
natural values assessment	means an assessment by a suitably qualified person which is generally consistent with the Guidelines for Natural Values Assessment, (DPIPWE July 2009) and includes:  (a) a survey of the site for natural values;  (b) an assessment of the significance of the natural values of a site;

	<p>(c) an assessment of the likely impact of the proposed development on natural values;</p> <p>(d) recommendations for the appropriate siting and design of proposed development to minimise likely impact on natural values;</p> <p>(e) recommendations for how the likely impact on natural values can be avoided, minimised or mitigated;</p> <p>(f) a site plan depicting the above information.</p>
Potable Water Supply Area	means land within a Potable Water Supply Area shown on the planning scheme maps.
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 Tasmanian River Condition Index (TRCI) (NRM South 2009).
soil and water management plan	means a specific site plan acceptable to the planning authority that details sediment and erosion control measures on building and construction sites prepared by a suitably qualified person in accordance with best practice guidelines. <sup>R1</sup>
soil disturbance	includes disturbance of the bed of a watercourse, wetland or lake.
Waterway and Coastal Protection Area	<p>means land in either of the following;</p> <p>(a) within a Waterway and Coastal Protection Area shown on the planning scheme maps;</p> <p>(b) within the relevant distance from a watercourse, wetland, lake or the coast shown in Table E11.1;</p> <p>but does not include a piped watercourse or drainage line.</p> <p>If an inconsistency in regards to width exists between Table E11.1 and the Waterway and Coastal Protection Area shown on the planning scheme maps, the distance in Table E11.1 prevails.</p> <p>The categorisation of a watercourse, or a section of a watercourse, is defined by its depiction on the planning scheme maps by the Waterway and Coastal Protection Area 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.

E11.3.R1 Soil and Water Management for Building and Construction Sites (DPIPWE 2009?) and the Wetlands and Waterways Works Manual (DPIWE, 2003) are recognised as best practice guidelines.

## E11.4 Development Exempt from this Code

E11.4.1 The following development is exempt from this code:

- (a) development associated with a Level 2 Activity under the *Environmental Management and Pollution Control Act 1994*;
- (b) development that does not involve clearing of vegetation or soil disturbance;
- (c) development involving clearing or modification of vegetation or soil disturbance:
  - (i) on pasture, cropping, vineyard or orchard land;
  - (ii) within a private garden, public garden or park, national park or State-reserved land,  
  
provided the vegetation is not protected by a permit condition, an agreement made under Part 5 of the Act or a Covenant in Gross;
- (d) forest operations, including clearing for agriculture, in accordance with a certified Forest Practices Plan;
- (e) fire hazard management works in accordance with a bushfire hazard management plan endorsed by the Tasmanian Fire Service, Forestry Tasmania or the Parks and Wildlife Service on land owned or administered by the Crown or Council;
- (f) fire hazard management works required in accordance with the *Fire Services Act 1979* or an abatement notice issued under the *Local Government Act 1993*;
- (g) fire hazard management works for an existing dwelling in accordance with a bushfire hazard management plan endorsed by an accredited person as defined under the Bushfire Prone Areas Code, wherein the extent of clearing and soil disturbance is the minimum necessary for adequate protection from bushfire;
- (h) the removal or destruction of declared weeds or local environmental weeds;
- (i) works considered necessary by an agency or council to remedy an unacceptable risk to public or private safety or to mitigate or prevent environmental harm;
- (j) works considered necessary by an agency or council for the protection of a water supply, watercourse, lake, wetland or tidal waters or coastal values as part of a management plan;
- (k) coastal protection works considered necessary by an agency or council that have been designed by a suitably qualified person;
- (l) works within 2 m of existing infrastructure including roads, tracks, footpaths, cycle paths, drains, sewers, pipelines and telecommunications facilities for the maintenance, repair, upgrading or replacement of such infrastructure;

- (m) works necessary to make safe power lines or for the maintenance, repair, upgrading or replacement of such infrastructure;
- (n) works for the purpose or erecting or maintaining a boundary fence;
  - (i) within 4 m of a boundary line if within the Rural Resource or Significant Agricultural Zones; or
  - (ii) within 2 m of a boundary line if in other zones;
- (o) The laying or installation in the Rural Resource Zone or the Significant Agricultural Zone, of irrigation pipes, that are directly associated with, and a subservient part of, an agricultural use.

## E11.5 Application Requirements

E11.5.1 In addition to any other application requirements, the planning authority may require the applicant to provide any of the following information if considered necessary to determine compliance with performance criteria:

- (a) a natural values assessment;
- (b) a soil and water management plan;
- (c) a coastal processes assessment;
- (d) a site survey from a qualified land surveyor identifying the location of a Waterways and Coastal Protection Area, a Future Coastal Refugia Area or a Potable Water Supply Area, if uncertainty exists as to the relative location of the development site.

## E11.6 Use Standards

There are no use standards in this code.

## E11.7 Development Standards

### E11.7.1 Buildings and Works

Objective:	
To ensure that buildings and works in proximity to a waterway, the coast, identified climate change refugia and potable water supply areas will not have an unnecessary or unacceptable impact on natural values.	
Acceptable Solutions	Performance Criteria
<b>A1</b>	<b>P1</b> Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:

<p>Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme.</p>	<ul style="list-style-type: none"> <li>(a) avoid or mitigate impact on natural values;</li> <li>(b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;</li> <li>(c) avoid or mitigate impacts on riparian or littoral vegetation;</li> <li>(d) maintain natural streambank and streambed condition, (where it exists);</li> <li>(e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</li> <li>(f) avoid significantly impeding natural flow and drainage;</li> <li>(g) maintain fish passage (where applicable);</li> <li>(h) avoid landfilling of wetlands;</li> <li>(i) works are undertaken generally in accordance with Waterways and Wetlands Works Manual (DPIWE, 2003) and Tasmanian Coastal Works Manual (DPIPWE, December, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.</li> </ul>
<p><b>A2</b></p> <p>Building and works within a Future Coastal Refugia Area must be within a building area on a plan of subdivision approved under this planning scheme.</p>	<p><b>P2</b></p> <p>Building and works within a Future Coastal Refugia Area must satisfy all of the following:</p> <ul style="list-style-type: none"> <li>(a) allow for the landward colonisation of wetlands and other coastal habitats from adjacent areas;</li> <li>(b) not be landfill;</li> <li>(c) avoid creation of barriers or drainage networks that would prevent future tidal inundation;</li> <li>(d) ensure coastal processes of deposition or erosion can continue to occur;</li> <li>(e) avoid or mitigate impact on natural values;</li> </ul>

	<p>(f) avoid or mitigate impact on littoral vegetation;</p> <p>(g) works are undertaken generally in accordance with Waterways and Wetlands Works Manual (DPIWE, 2003) and Tasmanian Coastal Works Manual (DPIPWE, December 2010).</p>
<p><b>A3</b></p> <p>Buildings and works within a Potable Water Supply Area must be within a building area on a plan of subdivision approved under this planning scheme.</p>	<p><b>P3</b></p> <p>Buildings and works within a Potable Water Supply Area must satisfy all of the following:</p> <p>(a) ensure no detriment to potable water supplies;</p> <p>(b) be in accordance with the requirements of the water and sewer authority.</p>
<p><b>A4</b></p> <p>Development must involve no new stormwater point discharge into a watercourse, wetland or lake.</p>	<p><b>P4</b></p> <p>Development involving a new stormwater point discharge into a watercourse, wetland or lake must satisfy all of the following:</p> <p>(a) risk of erosion and sedimentation is minimised;</p> <p>(b) any impacts on natural values likely to arise from erosion, sedimentation and runoff are mitigated and managed;</p> <p>(c) potential for significant adverse impact on natural values is avoided.</p>

#### E11.7.2 Buildings and Works Dependent on a Coastal Location

Objective:	
To ensure that buildings and works dependent on a coastal location are appropriately provided for, whilst minimising impact on natural values, acknowledging the economic, social, cultural and recreational benefits that arise from such development.	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>An extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or</p>	<p><b>P1</b></p> <p>Buildings and works must satisfy all of the following:</p>

<p>slipway must be no more than 20% of the size of the facility existing at the effective date.</p>	<ul style="list-style-type: none"> <li>(a) need for a coastal location is demonstrated;</li> <li>(b) new facilities are grouped with existing facilities, where reasonably practical;</li> <li>(c) native vegetation is retained, replaced or re-established so that overall impact on native vegetation is negligible;</li> <li>(d) building design responds to the particular size, shape, contours or slope of the land and minimises the extent of cut and fill;</li> <li>(e) impacts to coastal processes, including sand movement and wave action, are minimised and any potential impacts are mitigated so that there are no significant long-term impacts;</li> <li>(f) waste, including waste from cleaning and repairs of vessels and other maritime equipment and facilities, is managed in accordance with current best practice so that significant impact on natural values is avoided.</li> </ul>
<p><b>A2</b></p> <p>No Acceptable Solution for dredging and reclamation.</p>	<p><b>P2</b></p> <p>Dredging or reclamation must satisfy all of the following:</p> <ul style="list-style-type: none"> <li>(a) be necessary to establish a new or expanded use or development or continue an existing use or development;</li> <li>(b) impacts on coastal processes that may lead to increased risk of inundation, including sand movement and wave action, are minimised and potential impacts are mitigated so that there are no significant long-term impacts;</li> </ul>
<p><b>A3</b></p> <p>No Acceptable Solution for coastal protection works initiated by the private sector.</p>	<p><b>P3</b></p> <p>Coastal protection works initiated by the private sector must satisfy all of the following:</p> <ul style="list-style-type: none"> <li>(a) be designed by a suitably qualified person;</li> </ul>



	(b) minimise adverse impact on coastal processes that may lead to increased risk of inundation, including wave action and behaviour, sediment dynamics, current and tidal flows in the area.
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## E11.8 Subdivision Standards

### E11.8.1 Subdivision

Objective:	
To ensure that:	
<p>(a) works associated with subdivision in proximity to a waterway, the coast, identified climate change refugia and potable water supply areas will not have an unnecessary or unacceptable impact on natural values;</p> <p>(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural values.</p>	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Subdivision of a lot, all or part of which is within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area must comply with one or more of the following:</p> <p>(a) be for the purpose of separation of existing dwellings;</p> <p>(b) be for the creation of a lot for public open space, public reserve or utility;</p> <p>(c) no works, other than boundary fencing works, are within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area;</p> <p>(d) the building area, bushfire hazard management area, services and vehicular access driveway are outside the Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area.</p>	<p><b>P1</b></p> <p>Subdivision of a lot, all or part of which is within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area, must satisfy all of the following:</p> <p>(a) minimise impact on natural values;</p> <p>(b) provide for any building area and any associated bushfire hazard management area to be either:</p> <p>(i) outside the Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area; or</p> <p>(ii) able to accommodate development capable of satisfying this code.</p> <p>(c) if within a Potable Water Supply Area, be in accordance with the requirements of the water and sewer authority.</p>

<p><b>A2</b></p> <p>Subdivision is not prohibited by the relevant zone standards.</p>	<p><b>P2</b></p> <p>No performance criteria.</p>
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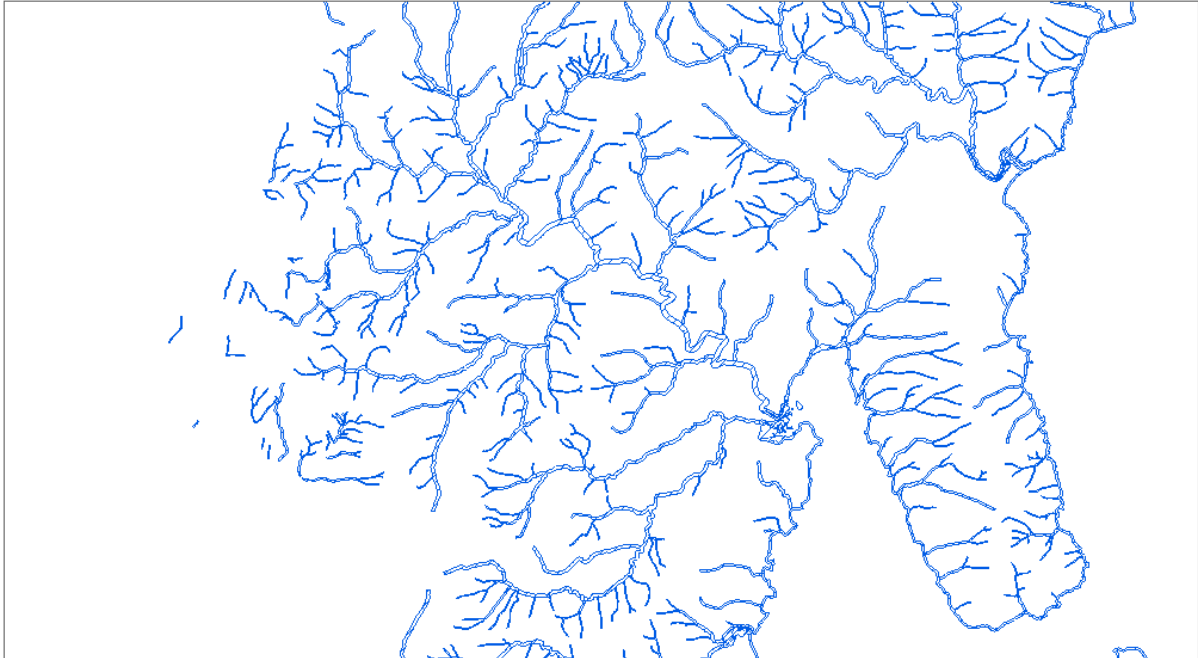
**Table E11.1 Spatial Extent of Waterway and Coastal Protection Areas**

**Spatial Extent of Waterway and Coastal Protection Areas**

<b>Watercourse, Wetland, other Waterbody or the Coast</b>	<b>Width</b>
<p>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.</p>	40m
<p>Class 2: Watercourses from the point where their catchment exceeds 100 ha.</p>	30m
<p>Class 3: Watercourses carrying running water for most of the year between the points where their catchment is from 50 ha to 100 ha.</p>	20m
<p>Class 4: All other watercourses carrying water for part or all of the year for most years.</p>	10m
<p>Ramsar Wetlands: Wetlands listed under the Convention on Wetlands of International Importance, (the Ramsar Convention).</p>	100m
<p>Other Wetlands: Wetlands not listed under the Ramsar Convention.</p>	50m
<p>Operation of Table E11.1: Spatially defining 'width':</p> <p>(a) Width is measured from the top of bank or high water mark of tidal waters, watercourses or freshwater lakes.</p> <p>(b) In the case of watercourses, the Protection Area also includes the waterway itself, being between the top of the banks on either side.</p>	

## Map E11.1 Waterway and Coastal Protection Areas – LISTmap

Open the full map extent (link to the [interactive map](#))



**Legend**

Waterway and Coastal Protection Areas

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Note: This overlay map has been filtered to show only the selected overlay feature for the Planning Scheme currently being viewed.