### Natural areas overlay code

#### Application

This code applies to assessing development within the Natural areas overlay.

When using this code, reference should be made to Part 5.

#### Purpose

1. The purpose of the Natural areas overlay is to protect the natural areas of the region through:
   1. avoiding development within biodiversity areas, waterways and waterway corridors, wetlands and declared fish habitat areas;
   2. minimising adverse direct and indirect impacts of development on natural areas;
   3. minimising adverse impacts on sensitive receiving environments;
   4. encouraging expansion of habitat and ecological connectivity and restoration of terrestrial and aquatic ecosystems.
2. The purpose of the code will be achieved through the following overall outcomes:
   1. development is avoided within:
      1. Biodiversity areas;
      2. Wetlands;
      3. Waterways and waterway corridors;
      4. Declared fish habitat areas;
   2. where development cannot be avoided, development:
      1. Protects and enhances areas of environmental significance;
      2. Provides appropriate buffers to areas of environmental significance;
      3. Protects known populations and supporting habitat of rare and threatened flora and fauna species, as listed in relevant State and Commonwealth legislation;
      4. Ensures that adverse direct or indirect impacts on areas of environmental significance are minimised through design, siting, operation, management and mitigation measures;
      5. Does not cause adverse impacts on integrity and quality of water in upstream or downstream catchments, including declared fish habitat areas and the Great Barrier Reef World Heritage Area;
      6. Protects and maintains ecological and hydrological functions of waterways, wetlands, waterway corridors and declared fish habitat areas;
      7. Enhances connectivity across barriers for aquatic species and habitats;
      8. Rehabilitates degraded areas to provide improved habitat condition, connectivity, function and extent;
      9. Protects areas of environmental significance from weeds, pests and invasive species;
   3. strategic rehabilitation is directed to areas on or off site where it is possible to achieve expanded habitats and increased connectivity.

#### Criteria for assessment

Part A – Criteria for self-assessable and assessable development

Table 8.2.11.3.a – Natural areas overlay code – self-assessable and assessable development

| Performance outcomes | Acceptable outcomes | Applicant response |
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| **For self-assessable and assessable development** | | |
| **Waterways and waterway corridor areas for Urban waterways A or Non-urban waterways** | | |
| **PO1**  Development is set back from waterways to protect and maintain:  (a) water quality;  (b) hydrological functions;  (c) ecological processes;  (d) biodiversity values;  (e) riparian and instream habitat values and connectivity;  (f) instream migration | **AO1.1**  Development does not occur on the part of the lot affected by the waterway corridor.  Note – Waterway corridors are identified within Table 8.2.11.3.b. |  |
| **Waterways and waterway corridor areas for Urban waterways B** | | |
| **PO2**  Development is set back from waterways to protect and maintain:  (a) water quality;  (b) hydrological functions;  (c) ecological processes;  (d) biodiversity values;  (e) riparian and instream habitat values and connectivity;  (f) instream migration | **AO2.1**  Where a waterway is contained within an easement or reserve for the purpose, development does not occur within the easement or reserve;  or  **AO2.2**  Development does not occur on the part of the lot affected by the waterway corridor.  Note – Waterway corridors are identified within Table 8.2.11.3.b. |  |
| **For assessable development** | | |
| **Biodiversity areas** | | |
| **PO3**  Development does not cause adverse direct or indirect impacts on biodiversity values.  Note – An ecological assessment report may demonstrate compliance with the performance outcome. Planning scheme policy – Natural environment provides guidance on preparing an ecological assessment report. | **AO3.1**  Development within a biodiversity area is avoided;  or  **AO3.2**  Where development cannot be avoided, development ensures adverse impacts on biodiversity values do not occur by:  (a) designing, siting, operating and managing development to:  (i) be situated within existing cleared areas, including necessary fire management infrastructure and fire breaks;  (ii) ensure unrestricted fauna movement;  (iii) retain and restore habitat corridors and biodiversity values;  (iv) provide appropriate buffers to biodiversity areas;  (v) minimise light and noise emission into biodiversity areas;  (vi) manage domestic animal movements, through adequate containment.  (b) protecting and maintaining the values of biodiversity areas;  (c) providing for strategic rehabilitation of vegetation species and coverage, and habitat connectivity;  (d) protecting undeveloped areas of biodiversity through appropriate land tenure;  (e) rehabilitating degraded areas to improve habitat condition, function and extent. |  |
| **Water quality and integrity** | | |
| **PO4**  Development does not cause adverse impacts on the quality and integrity of water in upstream or down-stream catchments, including the Great Barrier Reef Marine Park. | **AO4.1**  No acceptable outcomes are provided.  Note – An ecological assessment report may demonstrate compliance with the performance outcome. Planning scheme policy – Natural environment provides guidance on preparing an ecological assessment report**.** |  |
| **Declared fish habitat areas and fish habitat buffer areas** | | |
| **PO5**  Development does not cause adverse impacts on fish habitat values.  Note – An ecological assessment report may demonstrate compliance with the performance outcome. Planning scheme policy – Natural environment provides guidance on preparing an ecological assessment report | **AO5.1**  Development ensures adverse impacts on fish habitat values are avoided by designing, siting, operating and managing development to:  (a) contribute to the protection of fish habitat values;  (b) maintain the quality and integrity of declared fish habitat areas and water entering them. |  |
| **Wetlands and wetland buffer areas** | | |
| **PO6**  Development does not occur within a wetland. | **AO6.1**  No acceptable outcomes are provided. |  |
| **PO7**  Development is set back from wetlands to maintain water quality, ecological and hydrological functions and values of wetlands and their receiving waters.  Note – Planning scheme policy – Natural environment is applicable. | **AO7.1**  Development is set back from wetlands in accordance with Table 8.2.11.3.c;  or  **AO7.2**  Where an alternative buffer is proposed, the width of the alternative buffer is supported by an evaluation of the environmental values, functioning and threats to the wetland. |  |
| **PO8**  Wetlands and wetland buffer areas are maintained, protected and restored.  Note – Wetland buffer areas are identified within Table 8.2.11.3.c. | **AO8.1**  Native vegetation within wetlands and wetland buffer areas is retained. |  |
| **AO8.2**  Degraded sections of wetlands and wetland buffer areas are revegetated with native plants in patterns and densities which emulate the relevant regional ecosystem. |  |
| **Waterways and waterway buffer areas** | |  |
| **PO9**  Development is set back from waterways to protect and maintain:  (a) water quality;  (b) hydrological functions;  (c) ecological processes;  (d) biodiversity values;  (e) riparian and instream habitat values and connectivity;  (f) instream migration.  Note – Planning scheme policy – Natural environment is applicable. | **AO9.1**  Waterway corridors are provided adjacent to waterways in accordance with the requirements of Table 8.2.11.3.b.  or  **AO9.2**  Where a waterway corridor of an alternative width is proposed, the alternative width is supported by an evaluation of the waterway to ensure the protection and maintenance of:  (a) water quality;  (b) hydrological functions;  (c) opportunities for instream migration;  (d) ecological processes;  (e) riparian and instream habitat values and connectivity;  (f) biodiversity values. |  |
| **AO9.3**  Development, other than Community infrastructure or open space is not located within a waterway or waterway corridor. |  |
| **Additional requirements for Urban waterway A and Non-urban waterway** | | |
| **PO10**  Waterways and waterway corridors are protected, and degraded areas are restored and waterways and waterway corridors transferred to public ownership. | **AO10.1**  Native vegetation within waterways and waterway corridors is retained. |  |
| **AO10.2**  Waterway corridors are:  (a) transferred to public ownership for an appropriate reserve purpose; or  (b) protected through an Environmental Covenant. |  |
| **AO10.3**  Degraded sections of waterways and waterway corridors are revegetated with endemic plant species in patterns and densities which emulate the natural state of waterway corridors within the area. |  |
| **AO10.4**  The lowest intensity of development is located adjacent to the waterway corridor. |  |

Table 8.2.11.3.b – Widths of waterway corridors for waterways

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| **Waterway classification** | **Waterway corridor width** |
| Urban waterway A | 10 metres, measured perpendicular from the top of the high bank. |
| Urban waterway B | 5 metres, measured perpendicular from the top of the high bank. |
| Non-urban waterway | 25 metres, measured perpendicular from the top of the high bank. |

Note – Waterway classifications are identified on the Natural areas overlay mapping contained in Schedule 2 and defined in Schedule 1.2.

Table 8.2.11.3.c — Setbacks and buffer areas for wetlands

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| **Wetland classification** | **Setback and buffer area** |
| Urban wetland | 50 metres from the edge of the wetland. |
| Non-urban wetland | 100 metres from the edge of the wetland. |