### 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 |
| --- | --- | --- |
| **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

|  |  |
| --- | --- |
| **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

|  |  |
| --- | --- |
| **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. |