8.2.7 Natural areas overlay code

8.2.7.1 Application

(1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Natural areas overlay, if:
  (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
  (b) impact assessable development.

(2) Land in the Natural areas overlay is identified on the Natural areas overlay map in Schedule 2 and includes the following sub-categories:
  (a) MSES – Protected area;
  (b) MSES – Marine park;
  (c) MSES – Wildlife habitat;
  (d) MSES – Regulated vegetation;
  (e) MSES – Regulated vegetation (intersecting a Watercourse);
  (f) MSES – High ecological significance wetlands;
  (g) MSES – High ecological value waters (wetlands);
  (h) MSES – High ecological value waters (watercourse);
  (i) MSES – Legally secured off set area.

Note – MSES = Matters of State Environmental Significance.

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

8.2.7.2 Purpose

(1) The purpose of the Natural areas overlay code is to:
  (a) implement the policy direction in the Strategic Framework, in particular:
    (i) Theme 2: Environment and landscape values, Element 3.5.3 Biodiversity, Element 3.5.4 Coastal zones;
    (ii) Theme 3: Natural resource management Element 3.6.2 Land and catchment management, Element 3.6.3 Primary production, forestry and fisheries.
  (b) enable an assessment of whether development is suitable on land within the Biodiversity area overlay sub-categories.

(2) The purpose of the code will be achieved through the following overall outcomes:
  (a) development is avoided within:
    (i) areas containing matters of state environmental significance (MSES);
    (ii) other natural areas;
    (iii) wetlands and wetland buffers;
    (iv) waterways and waterway corridors.
  (b) where development cannot be avoided, development:
    (i) protects and enhances areas containing matters of state environmental significance;
    (ii) provides appropriate buffers;
    (iii) protects the known populations and supporting habitat of rare and threatened flora and fauna species, as listed in the relevant State and Commonwealth legislation;
    (iv) ensures that adverse direct or indirect impacts on areas of environmental significance are minimised through design, siting, operation, management and mitigation measures;
    (v) does not cause adverse impacts on the integrity and quality of water in upstream or downstream catchments, including the Great Barrier Reef World Heritage Area;
    (vi) protects and maintains ecological and hydrological functions of wetlands, waterways and waterway corridors;
    (vii) enhances connectivity across barriers for aquatic species and habitats;

(viii) rehabilitates degraded areas to provide improved habitat condition, connectivity, function and extent;
(ix) protects areas of environmental significance from weeds, pests and invasive species.

(c) strategic rehabilitation is directed to areas on or off site, where it is possible to achieve expanded habitats and increased connectivity.

8.2.7.3 Criteria for assessment

Table 8.2.7.3.a – Natural areas overlay code – assessable development

Performance outcomes	Acceptable outcomes
For self-assessable and assessable development	
Protection of matters of environmental significance	
PO1 Development protects matters of environmental significance.	**AO1.1** Development avoids significant impact on the relevant environmental values. or **AO1.2** A report is prepared by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, that the development site does not contain any matters of state and local environmental significance. or **AO1.3** Development is located, designed and operated to mitigate significant impacts on environmental values. For example, a report certified by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, how the proposed development mitigates impacts, including on water quality, hydrology and biological processes.
Management of impacts on matters of environmental significance	
PO2 Development is located, designed and constructed to avoid significant impacts on matters of environmental significance.	**AO2** The design and layout of development minimises adverse impacts on ecologically important areas by: (a) focusing development in cleared areas to protect existing habitat; (b) utilising design to consolidate density and preserve existing habitat and native vegetation; (c) aligning new property boundaries to maintain ecologically important areas; (d) ensuring that alterations to natural landforms, hydrology and drainage patterns on the development site do not negatively affect ecologically important areas; (e) ensuring that significant fauna habitats are protected in their environmental context; and (f) incorporating measures that allow for the safe movement of fauna through the site.

Performance outcomes	Acceptable outcomes
PO3 An adequate buffer to areas of state environmental significance is provided and maintained.	**AO3.1** A buffer for an area of state environmental significance (Wetland protection area) has a minimum width of: (a) 100 metres where the area is located outside Urban areas; or (b) 50 metres where the area is located within a Urban areas. or **AO3.2** A buffer for an area of state environmental significance is applied and maintained, the width of which is supported by an evaluation of environmental values, including the function and threats to matters of environmental significance.
PO4 Wetland and wetland buffer areas are maintained, protected and restored. Note – Wetland buffer areas are identified in AO3.1.	**AO4.1** Native vegetation within wetlands and wetland buffer areas is retained. **AO4.2** Degraded sections of wetlands and wetland buffer areas are revegetated with endemic native plants in patterns and densities which emulate the relevant regional ecosystem.
PO5 Development avoids the introduction of non-native pest species (plant or animal), that pose a risk to ecological integrity.	**AO5.1** Development avoids the introduction of non-native pest species. **AO5.2** The threat of existing pest species is controlled by adopting pest management practices for long-term ecological integrity.
Ecological connectivity	
PO6 Development protects and enhances ecological connectivity and/or habitat extent.	**AO6.1** Development retains native vegetation in areas large enough to maintain ecological values, functions and processes. and **AO6.2** Development within an ecological corridor rehabilitates native vegetation. and **AO6.3** Development within a conservation corridor mitigates adverse impacts on native fauna, feeding, nesting, breeding and roosting sites and native fauna movements.

Performance outcomes	Acceptable outcomes
PO7 Development minimises disturbance to matters of state environmental significance (including existing ecological corridors).	**AO7.1** Development avoids shading of vegetation by setting back buildings by a distance equivalent to the height of the native vegetation. and **AO7.2** Development does not encroach within 10 metres of existing riparian vegetation and watercourses.
Waterways in an urban area	
PO8 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 in-stream habitat values and connectivity; (f) in-stream migration.	**AO8.1** Where a waterway is contained within an easement or a reserve required for that purpose, development does not occur within the easement or reserve; or **AO8.2** Development does not occur on the part of the site affected by the waterway corridor. Note – Waterway corridors are identified within Table 8.2.7.3.b.
Waterways in a non-urban area	
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 in-stream habitat values and connectivity; (f) in-stream migration.	**AO9** Development does not occur on that part of the site affected by a waterway corridor. Note – Waterway corridors are identified within Table 8.2.7.3.b.

Table 8.2.7.3.b — Widths of waterway corridors for waterways

Waterways classification	Waterway corridor width
Waterways in Urban areas	10 metres measured perpendicular from the top of the high bank.
Waterways in Other areas	For a dwelling house, 10 metres measured perpendicular from the top of the high bank. For all other development, 20 metres measured perpendicular from the top of the high bank.