

## Overview – Natural Assets Code

## Tasmanian Planning Scheme

Key points:

- Generally replaces the following codes from the Interim Planning Schemes:
  - Biodiversity Code;
  - Waterway and Coastal Protection Code;
- Application is based on overlay maps – that are in the process of being created by all Councils as part of the preparation of their Local Provision Schedule:
  - Biodiversity overlay maps being replaced by Priority Vegetation Overlay;
  - Waterway and Coastal Protection Overlay maps are staying generally the same; and
  - A new layer is added “Future Coastal Refugia”;

The Overlay layers described:**Priority Vegetation Overlay** – “is intended for native vegetation that:

- forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the *Nature Conservation Act 2002*;
- Is a threatened flora species;
- Forms a significant habitat for a threatened fauna species ; or
- Has been identified as native vegetation of local importance.”

Data Source – special project undertaken by Natural Resource Planning (private consultant) building on the Regional Ecosystem Model (REM). Not in public domain i.e. LIST.

**Waterway & Coastal Protection Overlay** – “includes land within a specified buffer distance from Class 1 to 4 watercourses and wetlands, including Ramsar wetlands. Class 1 watercourses include lakes and tidal waters.”

Data Source – A ‘waterway and Coastal Protection Area Guidance Map’ (guidance map) has been prepared and published on the LIST to provide guidance in preparing the waterway and coastal protection area overlay. The guidance map identifies the relevant buffer distance for the overlay based on the class of watercourse and the type of wetland.”

**Future Coastal Refugia Overlay** – “is applied to land identified for the protection of land for the landward retreat of coastal habitats, such as saltmarshes and tidal wetlands, which have been identified as at risk from predicted sea level rise.”

Data Source – A ‘Future Coastal Refugia Area Guidance Map’ (guidance map) has been prepared and published on the LIST to provide guidance for preparing the future coastal Refugia area overlay. The guidance map provides guidance for mapping the future coastal Refugia area overlay by identifying potential coastal saltmarsh and tidal wetland areas based on the Department of Premier and Cabinet (DPAC) predicted sea level rise and 1% AEP<sup>1</sup> storm surge height mapping for 2100, including areas with and without LiDAR<sup>2</sup> coverage.”

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<sup>1</sup> AEP = Annual Exceedence Probability

<sup>2</sup> LiDAR = Light Detecting and Ranging (a remote sensing method used to examine the surface of the Earth)

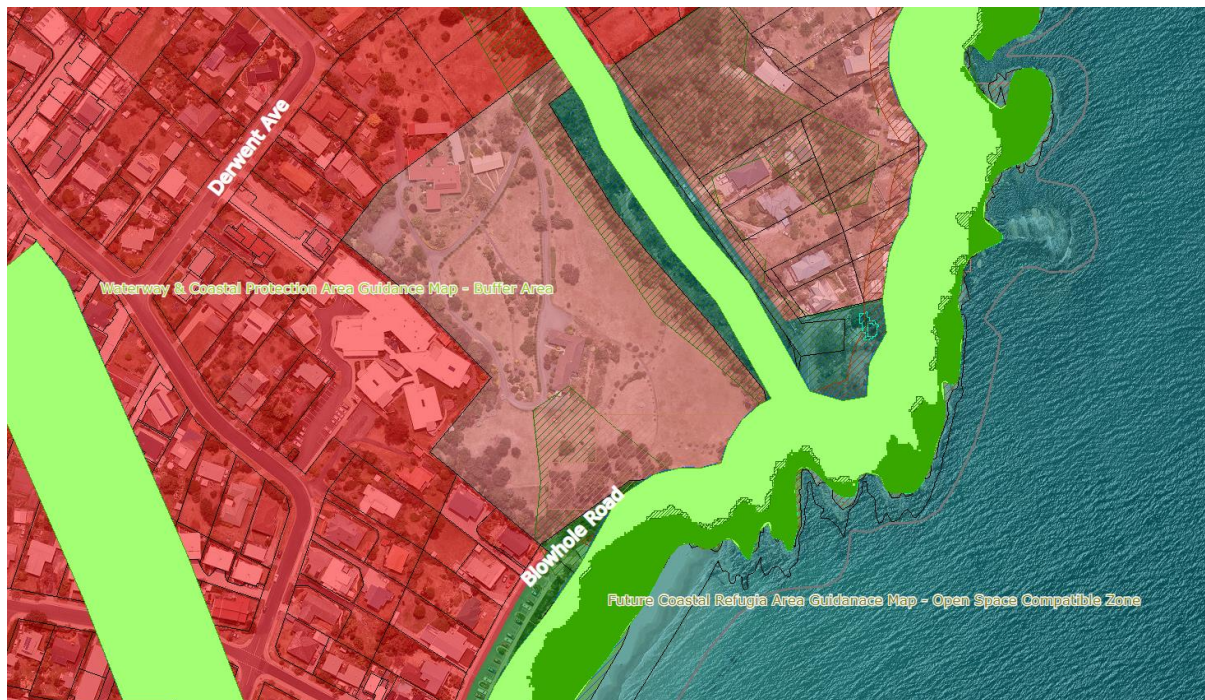


Figure 1 - LIST map showing guidance maps for 2 of the 3 overlays (Blackmans Bay)

#### Application:

- Tasmanian Planning Commission (TPC) *Guideline 1 Local Provision Schedule (LPS) zone and code application*<sup>3</sup> results in limiting the spatial application of the Code.
  - Priority Vegetation Overlay cannot be applied to land zoned:
    - Inner Residential Zone
    - Village Zone
    - Urban Mixed Use Zone
    - Local Business Zone
    - General Business Zone
    - Commercial Zone
    - Light Industrial Zone
    - General Industrial Zone
    - Agricultural Zone or
    - Port and Marine Zone.
  - Priority Vegetation Overlay only applies in the following zones:
    - Rural Living Zone
    - Rural Zone
    - Landscape Conservation Zone
    - Environmental Management Zone
    - Major Tourism Zone
    - Utilities Zone
    - Community Purpose Zone
    - Recreation Zone
    - Open Space Zone

<sup>3</sup> [https://www.planning.tas.gov.au/\\_data/assets/pdf\\_file/0004/341338/Practice-Note-1-Planning-Scheme-Amendments-amendments,-September-2017.pdf](https://www.planning.tas.gov.au/_data/assets/pdf_file/0004/341338/Practice-Note-1-Planning-Scheme-Amendments-amendments,-September-2017.pdf)

- Future Urban Zone
  - Particular Purpose Zone; or
  - General Residential Zone or Low Density Residential Zone, only if an application for subdivision.
- Waterways & Coastal Protection Overlay cannot be applied to:
    - Watercourses with piped infrastructure or drainage lines; or
    - Existing development, particularly within urban area;
    - But should be expanded to include Ramsar wetland sites within the overlay.
    - Refer to Table C7.3 of the Tasmanian Planning Scheme (TPS)<sup>4</sup> for additional specifications of the spatial extent of this overlay.
  - The Code only applies to development and not use
  - A number of developments are exempt from the Code as per the extract from the TPS below:

#### **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.

***NB – expectation that Councils provide the Priority Vegetation Overlay information for land owners, even if the underlying zone precludes the TPS application. Relying on the Forest Practices Act to protect Vegetation in these zones.<sup>5</sup>***

<sup>4</sup> [https://planningreform.tas.gov.au/\\_data/assets/pdf\\_file/0014/412322/State-Planning-Provisions-Draft-Amendment-01-2017-compiled-version.PDF](https://planningreform.tas.gov.au/_data/assets/pdf_file/0014/412322/State-Planning-Provisions-Draft-Amendment-01-2017-compiled-version.PDF)

<sup>5</sup> [https://www.fpa.tas.gov.au/\\_data/assets/pdf\\_file/0018/110286/Land\\_clearing\\_information\\_sheet.pdf](https://www.fpa.tas.gov.au/_data/assets/pdf_file/0018/110286/Land_clearing_information_sheet.pdf)