

Working near waterways

Understanding your legal obligations



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using the law to protect the natural and built environment

Cover Photo: Brendan Gogarty

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EDO Tasmania is an independent, non-profit community legal centre advising on public interest environment and planning law issues. We work to increase public awareness of environmental rights and obligations, advocate for best practice resource management and help communities to secure long-term sustainable outcomes.

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For more information about EDO Tasmania, go to www.edotas.org.au

To download a digital version of this document with links to online resources, go to www.edotas.org.au/waterways

Disclaimer: While every effort has been made to ensure its accuracy, this publication is intended as a guide only and is not legal advice. You should contact the relevant government agency or EDO Tasmania for advice about your specific situation.



Lake Crescent. Photo: NRM South



Ringarooma River. Photo: Emma Williams

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Working Near Waterways: Understanding Your Legal Obligations

Many routine activities involve working in or near waterways, such as moving woody debris after a flood, constructing a stream crossing for a road, driveway or temporary access, planting vegetation to stabilise river banks, installing bores or digging agricultural drainage channels. Many laws exist to regulate these activities and manage the impacts they can have on both your property, and the natural and cultural values of the waterway.

It is important to understand your legal obligations when planning any activity in or near a waterway, but it's not always an easy task!

Even if you own the property on one side, or both sides, of a waterway, you may still need a permit to undertake work. Your obligations will vary, depending on:

- **WHAT type of work is involved** – different legislation, and different approval requirements, will apply to different activities. For example, the permits required for building a dam will be different from the permits you need to remove woody debris from a creek.
- **WHERE the work will take place** – the location and natural and cultural values of your work site may give rise to particular legal obligations. For example, special permits may be required if the works are within a heritage place or will affect threatened native vegetation or habitat for threatened species.
- **HOW the work will be carried out** – the way that you will carry out the work can influence what permits are required. For example, you will need a permit to spray some chemicals, but not others, and you may be able to redesign a planned stream crossing to avoid the need to build a fish pass.

This Guide is designed to help you work out what legal obligations may apply to your proposed activities, how you can meet those obligations, and where you can find out more information.

The Legal Obligations Checklist on [page 8](#) provides a summary of some of the permissions that you may need, and which sections of the Guide you can read for more information. Key words and phrases used in the Guide are defined on [page 16](#).

If you're not sure whether or not a particular section of the Guide is relevant to your activity, it is a good idea to read it. If you have any questions about your legal obligations, you can contact EDO Tasmania to discuss your project.

A list of helpful resources and contact details is provided at the end of the Guide.

Beyond strict legal obligations, you have a responsibility to reduce and manage impacts on waterways, the property adjoining waterways and the species that live in the waterway. Many impacts can be avoided by considering the following questions right from the outset:

- Do you really need to do the work?
- Can the work be done in another location where the impacts are likely to be reduced?
- How can you design and carry out the works to reduce the impacts (and reduce the legal steps you need to take)?

The [Wetlands and Waterways Works Manual \(DPIPWE\)](#) includes lots of useful information to help you decide whether, where and how to carry out works in or near waterways. You can also contact your local NRM office for advice about your options.

Marion Bay. Photo: Conor Feehely



Legal Obligations Checklist

This checklist will help you to work out which sections of the Guide might apply to your project.

If your project ticks the box:



Describes further information that you may need to gather



Describes permits, authorities or licences that you may need to get




You should read the relevant section for more details about your obligations. If you're not sure whether a section applies, it's a good idea to read them all or to contact EDO Tasmania for assistance.

Serpentine River. Photo: Grant Dixon






WHO OWNS THE LAND?

Is any part of the work site on Crown land or private land you do not own? (page 18)





-  Check the tenure and ownership of the land using [The LIST](#).
-  Consent from a private landowner
-  Written consent from Crown Land Services, and possibly a licence to use the land

WHAT TYPE OF WORK IS INVOLVED?


Works or development in a waterway protection area (page 20)




-  Most work within 10–40m of the banks of a waterway, depending on its size, will require a permit. Check the Planning Scheme to see what protection distance applies to your project.
-  Planning permit – contact the local Council (the application may be referred to the EPA, depending on likely environmental impacts)
-  Building permit – contact the local Council

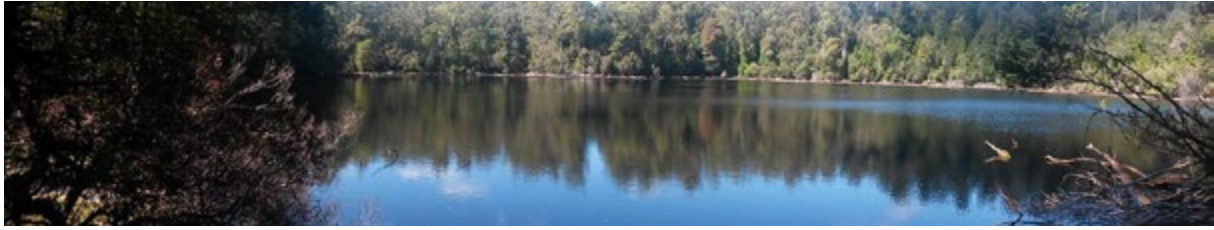
Clearing trees (page 24)

-  Clearing trees within a streamside reserve, or clearing any threatened native vegetation (including riparian scrub and wetlands) will require a permit, other than minor clearing of regrowth.
-  Planning permit – contact the local Council
-  Forest Practices Plan – contact the Forest Practices Authority
-  Crown consent to remove vegetation – contact Crown Land Services




Riverbank maintenance (weeds, rehabilitation, banks stabilisation) (page 25)

-  Check the Planning Scheme to see if the work you intend to do is exempt – if not, works will require a permit. Contact your local Landcare group or NRM office for advice about maintenance works and weed management plans.




Check with DPIPWE to see if your work site is within an Infested or Protected Weed Area.
-  Planning permit – contact the local Council
-  Approval to introduce aquatic plants – contact Inland Fisheries Service
-  If the work site is within an Infested or Protected Area, a permit to remove weeds – contact Biosecurity Tasmania







Building a dam, weir or levee bank (page 26)

-  Other than small off-stream dams, temporary flood-protection levees or urgent safety works, most dam works will require a permit.
-  Planning permit – contact the local Council
-  Dam works permit – contact the Regional Water Management Officer




Taking water (including groundwater) (page 27)

-  If your project will allow you to extract water, or will divert water from the natural course of the waterway, you may require a water licence. If you own land adjoining the waterway (called 'riparian land'), you can take some water without a licence. Check your title to see whether you have riparian rights.
-  Water licence – contact the Regional Water Management Officer
-  If drilling a groundwater bore, a well works permit – contact DPIPWE

Removing rocks, sand or gravel (page 28)

-  You can remove gravel, rock, sand and clay for private use, or up to 100 tonnes per year for sale, without a mining lease. You may still require other approvals, depending on how and where the material is taken.
-  Planning permit (which may be referred to the EPA, depending on the quantity) – contact local the Council
-  Mining lease (for larger quantities) – contact Mineral Resources Tasmania
-  If taking material from Crown land, consent from the Crown – contact Crown Land Services


Grazing livestock (page 29)

-  Livestock can graze and get water from waterways on private property without a permit. If your land is adjacent to a waterway, you can take some water for livestock without a water licence.
-  To graze livestock on Crown land, a Crown lease – contact Crown Land Services
-  If the land is within an Infested or Protected Weed Area, permit to authorise grazing – contact Biosecurity Tasmania

WHERE IS YOUR WORK SITE?



Within threatened species habitat (page 30)

 Use the [Threatened Species Link](#) to check whether threatened plants or animals are likely to grow, feed, breed or nest on your work site.



Planning permit – contact the local Council



Threatened species permits – contact DPIPWE (for Tasmanian listed species) or the Department of the Environment and Energy (for Commonwealth listed species)



For clearing threatened native vegetation communities, a forest practices plan – contact the Forest Practices Authority



In a protected area (page 33)

 If your work site is within a reserve, including a National Park, Conservation Area, Game Reserve or Private Nature Reserve, an inland fisheries fauna reserve or a future coastal refugia area, you may require a range of additional approvals.

Use [The LIST](#) maps to find out if any part of your work site is located within or adjacent to one of these protected areas.



Planning permit – contact the local Council



For reserved land, a reserve land permit – contact Parks and Wildlife Service




For works within an inland fisheries fauna reserve, approval from the Inland Fisheries Service



For vegetation clearance on vulnerable land, a forest practices plan – contact the Forest Practices Authority



In or near a wetland (page 34)

 Wetlands are particularly sensitive environments, and treated as threatened vegetation. Works in or near wetlands, particularly removal of vegetation, generally require approval.

If the wetland is a listed Ramsar wetland, further restrictions apply. To find out if your work site is located near a Ramsar wetland, [check the DPIPWE website](#).



Planning permit – contact the local Council







Forest Practices Plan – contact the Forest Practices Authority




For Ramsar wetlands, approval under the EPBC Act – contact the Department of the Environment and Energy




On or near an Aboriginal heritage site (page 35)

-  To find out if your work site is likely to contain Aboriginal heritage, submit a free [Desktop Assessment request](#) to Aboriginal Heritage Tasmania.
-  Planning permit – contact the local Council
-  Permit to move Aboriginal relics – contact Aboriginal Heritage Tasmania
-  If the Aboriginal heritage is within a National Heritage place or World Heritage Area, approval under the EPBC Act – contact the Department of the Environment and Energy

Please note, if you discover any Aboriginal relics during your work, you must stop work and [report the find to Aboriginal Heritage Tasmania](#).





On a listed heritage place (page 37)

-  To find out if your work site is on the Tasmania Heritage Register, [search the online register](#) or contact Heritage Tasmania.

To find out if the work site is within a World Heritage Area or National Heritage Place, check the [Protected Matters map](#). For information about whether a project is likely to have a 'significant impact', consult the [Significant Impact Guidelines](#).
-  Heritage works exemption certificate – contact Heritage Tasmania
-  If no exemption certificate is granted, a planning permit (which will be referred to the Heritage Council for assessment) – contact the local Council
-  If your project will have a [significant impact](#) on a National Heritage or World Heritage place, approval under the EPBC Act – contact the Department of the Environment and Energy

HOW WILL YOUR WORK BE CARRIED OUT?

Will your activities reduce water quality in the waterway? (page 38)

-  Works in wetlands and waterways may impact upon water quality by disturbing sediments, increasing erosion or releasing chemicals, oils or waste into the waterway. You have a duty to minimise harm to the environment, and may require approvals to undertake the work.
-  Planning permit – contact the local Council (who may refer your application to the EPA)
-  In an inland fishery, approval to introduce any harmful material – contact Inland Fisheries Service
-  If no planning permit is required, you may still require an environmental approval – contact the EPA

Will the work interfere with fish passage? (page 40)

i If your project involves anything that could stop fish from easily passing through a waterway (for example, constructing a culvert that obstructs water flow), you should consult the Inland Fisheries Service about ways to reduce the impacts.

 Planning permit – contact the local Council


 Dam works approval – contact DPIPWE

 Approval to interfere with fish passage – contact the Inland Fisheries Service

Will you be using chemicals? (page 41)

i If you will be using chemicals to control weeds, manage invasive species, treat livestock disease or promote vegetation growth in or near a waterway, you must check the label to make sure the chemical is approved for use in or near waterways.

All chemical spraying must comply with the relevant Code of Practice.

 For restricted chemicals, a spraying permit – contact DPIPWE

 Any spraying contractor or any person applying Phosdrin insecticides must have a certificate of competency – contact DPIPWE


Photo: Alison Hugo



Will you be removing declared weeds? (page 42)

i To find out whether weeds on your work site are declared weeds, check the [Weeds Index](#).

To avoid the spread of declared weeds, you must comply with any relevant weed management plans – contact your local NRM office to discuss how to do this. You should also check with DPIPW to see if your work site is within an Infested or Protected Weed Area.

 If your work site is within an Infested or Protected Weed Area, permit to remove weeds – contact Biosecurity Tasmania

 Any additional requirements ordered by a Weed Inspector

Will you disturb contaminated soils? (page 43)

i Where the soil or groundwater at a work site has chemical residues above normal levels, you will need to discuss your project with the Contaminated Sites Unit.

Check the certificate of title/s for your work site to see whether any Contaminated Sites Notices have been registered. You can also contact the local Council to ask if any notices have been issued for the site.

If no notices have been issued, but your work site has been used for any [potentially contaminating activities](#) in the past, or you have any other reason to suspect that the site may be contaminated, submit a [Property Information Request](#) to the EPA.

 Contaminated site assessment – contact the Contaminated Sites Unit

 Planning permit – contact the local Council (who may refer the application to the EPA)

Waterway vegetation on the Ringarooma River. Photo: Emma Williams





Definitions

Aboriginal heritage site means land (including land covered by water) that is registered with Aboriginal Heritage Tasmania or which is likely to contain evidence of Aboriginal occupation (such as artefacts, shell scatters, stone tools or paintings).

Coastal zone means land and waters within 1km of the coast.

Contaminated land means land where chemical levels are above normal levels and may have negative impacts on the environment or public health.

Crown land means land vested in, or purchased by, the Crown. It includes public reserves, land set aside for road reserves, and riparian reserves.

Cultural values are important features of a site that make it significant to past, present and future generations. A site may have value because of its historic use, scientific importance, association with social groups or because of its scenic beauty.

Dam includes any permanent or temporary structure that stores, holds back or diverts the flow of water, such as spillways, levee banks, weirs and any excavated hole that holds water.

Dam works includes any works to build, modify, repair or remove a dam.

Declared weeds are weeds listed on the [Declared Weeds Index](#).

Development includes constructing, altering or demolishing a building, erecting signs, subdividing land and carrying out works.

DPIPWE means the Department of Primary Industries, Parks, Water and Environment.

EPA means the Environment Protection Authority.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999*. This is the most important national environmental law.

Fish pass means a structure allowing fish to cross between dams, rivers, creeks or other waterways.

Forest Practices Plan is a site-specific document setting out the conditions for clearing trees and threatened native vegetation communities on a property.

Future coastal refugia area means an area identified on Planning Scheme maps as a future coastal refugia area. These areas are designed to protect land that will become important habitat when existing habitat is lost or damaged as a result of sea level rise or coastal erosion.

Heritage place includes any property (including land, gardens, buildings or structures) that is included on the Tasmanian Heritage Register, the World Heritage Register or the Register of National Heritage Places.

Levee bank means a structure built to prevent a river or creek from overflowing.

Level 2 activity means an activity listed in Schedule 2 of the *Environmental Management and Pollution Control Act 1994*. Level 2 activities are generally activities that are known to have significant environmental impacts.

Natural values are important physical features of a site that contribute to environmental health. Values include animals and plants, soil and water features, cave systems and rocky outcrops, and the scenic beauty of the site.

Planning Scheme means the document setting out the rules for use and development in your area. Currently, each council area has its own planning scheme. However, the government aims to introduce a state-wide Tasmanian Planning Scheme in 2017.

Pollute means to release, deposit or disturb anything that may harm the environment, including chemicals, waste, soils, gases, debris or other material.

Ramsar wetland means a wetland declared to be of international significance under the Ramsar Convention. For a list of Ramsar wetlands in Tasmania, [check the DPIPWE website](#).

Reserved land includes land that is within a public park or reserve area under the *National Parks and Reserves Management Act 2002*, such as national parks, conservation areas, private nature reserves and game reserves.

Restricted chemicals are toxic chemicals listed in the *Agricultural and Veterinary Chemicals (Control of Use) Act 1995*, including products containing:

- 4-aminopyridine hydrochloride
- alpha chloralose
- mevinphos (for brassica crops only)
- fenthion (when used for control of birds)
- pindone

Riparian means adjoining a river, watercourse or wetland. 'Riparian rights' refer to the water rights enjoyed by owners of land adjoining a waterway. Riparian scrub refers to vegetation situated on or adjoining the banks of a waterway.

Riverworks district means an area in which a government authority (usually a local council) is responsible for undertaking work to protect and maintain waterways.

Streamside reserves means areas adjoining waterways. Streamside reserves extend between 10-40m from the banks of a waterway, depending on the size of the waterway. Details of streamside reserves are set out in the Forest Practices Code.

Threatened species means a species of flora or fauna listed in the *Threatened Species Protection Act 1995* (Tas) or the EPBC Act. Threatened species are further classified as Critically Endangered, Endangered, Rare and Vulnerable.

Threatened species habitat means land or water in which threatened species eat, breed or live (whether permanently or seasonally).

Threatened native vegetation communities means native vegetation types listed in Schedule 3A of the *Nature Conservation Act 2002*.

Tree means woody plants that can grow to at least 5m. This includes trees that are living, dead, standing or fallen down.

Vegetation includes trees, shrubs, weeds, grasses, flowers and moss.

Vulnerable land includes streamside reserves, steep land, land prone to erosion or landslip, threatened species habitat, karst areas and land containing a threatened native vegetation community. For details of vulnerable land, check the [Forest Practices Code](#).

Waterway includes any defined channel in which water flows (whether permanently or intermittently).

Waterway protection area means an area identified on a Planning Scheme map as a Waterway and Coastal Protection Area (or something similar). Waterway protection areas generally cover the same area as streamside reserves.

Wetland includes areas of poor drainage that hold water from groundwater and surface run-off. Wetlands generally support vegetation that suits being inundated.

Work site includes any area affected, both directly and indirectly, by your proposed activities.

Works includes any activities that change the existing condition of land, such as removal of vegetation, excavation and depositing soil.

Landowner Consent

If you do not own all the land within your work site, you will need permission from the owners in addition to any other permits that you might require.

Whether you own the land within or adjoining a waterway will depend on a range of historic property dealings. You may only own to the middle of the waterway, with your neighbour owning the other side, or the waterway and surrounding area may be within a Crown riparian reserve or managed by the local Council. Before you commence any works in or near a waterway, you should check the tenure of the land.

It is also important to remember that, even if you do own the land, you may still need permits for the work – permit requirements are discussed in the next section of the Guide.

Checking tenure

To confirm the tenure of the land, you can:

- Check your certificate of title
- Search for the property on [The LIST](#), activating the “Land Tenure” layer
- [Contact Land Tasmania](#) on 6165 4444

Seeking permission

If all or part of your work site is owned by a neighbour, contact them to explain your proposed activity and ask for written permission to undertake the work on their land. When applying for any other permit required, you should indicate that you have the landowner’s permission for the works.

If all or part of your work site is on land owned by the local Council, contact the General Manager to discuss your proposal and seek permission to undertake the work. Depending on the extent of works, you may need to apply to lease the land. If the lease would be for more than five years, notice of the application will be advertised and public comments invited before the Council decides whether to grant the lease.

If all or part of your work site is on Crown land, you will need to submit an [Application for works](#). Depending on the extent of work involved, Crown Land Services may also require you to [apply for a lease or licence](#) over the reserve.

If you will also need a planning permit for the works (see [page 22](#)), the application will need to be accompanied by written consent from Crown Land Services.

Government works on private land

A local Council or two-thirds of affected landowners within an area may apply to the Minister for Water for declaration of an area as a riverworks district under the *Water Management Act 1999*. The Minister may grant the application if satisfied that the declaration would assist (or encourage) the local Council to undertake maintenance activities, such as removing vegetation from the bed or banks of the waterway, stabilising banks through revegetation or fencing, removing obstructions or other works to protect natural values in the waterway.

If a riverworks district is declared, the local Council administering the district may levy higher rates on affected landowners to cover the costs of the works undertaken.

The local Council does not require landowner consent to enter property (with or without machinery) to undertake riverworks, but must give landowners at least seven days notice of the proposed works. Notice is not required to enter property to undertake emergency works.

To find out whether a riverworks district has been declared in your area (or to discuss applying for one to be declared), [contact the Water Management Officer for your region](#).

Waterway vegetation on the Ringarooma. Photo: Emma Williams



What Type of Work is Involved?

This section identifies types of activities that may require a permit, regardless of the nature or location of the waterway in which the activity is undertaken.

Activities include:

- works within waterway or coastal protection areas
- clearing or removing trees
- river maintenance
- building or maintaining dams, levees and weirs
- taking water (including groundwater)
- removing rock and gravel
- grazing livestock

Works within waterway or coastal protection areas

Whether a planning permit is required for the work will depend on the Planning Scheme applying to land within the work site¹. If a permit is required, it is an offence to carry out the works without the permit – if you do, you can face significant fines (up to \$65,000) and may be required to remove the works and remediate any damage caused.

In general, Planning Schemes require a permit for works within mapped “waterway or coastal protection areas” (sometimes called something slightly different) or within set distances from waterways and coastal areas (for example, any works within 30 m of the banks of a waterway, or within 100m of a Ramsar listed wetland).

Examples of activities that may require a planning permit include:

- stormwater and erosion control works (e.g. installing culverts or erecting silt fences)
- clearing debris and vegetation from streams and stream banks
- stream channel modifications
- roads and pipeline stream crossings
- pump stations
- small off-stream dams (with capacity less than 1ML)

Approvals you may require:

- Planning permit** – check your local Planning Scheme or contact the local Council – if the works involve a Level 2 activity, your application will be referred to the EPA for assessment
- Building permit** – contact the local Council
- Approval for emergency works** – contact the local Council

¹ Please note, it is likely that by early 2017 Tasmania will have one Tasmanian Planning Scheme. However, Local Provisions Schedules may still apply different rules to different areas to protect waterways.

Some emergency works required to protect people or property (such as removing debris causing flooding or placing sandbags to prevent inundation) may not require a planning permit. However, these works will still generally require approval from the relevant Council or State government agency. If you intend to undertake emergency works, you should contact the Council to notify them and seek consent. The consent should be confirmed in writing – even if just in an email, or by keeping a clear, written record of who you spoke with to obtain consent and the date of your conversation.

Planning permits may not be required for works undertaken by Councils to protect waterways or coastal areas if the works are part of an approved management plan and have been designed by an appropriate expert.

Some other exemptions may also apply. For example, some Councils do not require you to get a planning permit for activities to remove declared weeds or to stabilise the streambank. Other Councils allow activities such as irrigation works associated with agricultural operations without a permit.

Activities that require permits under other laws, such as dam works or forestry operations, may not require a separate planning permit. Clearing for forest operations, including any access roads, will not require a planning permit if the work site is located within a Private Timber Reserve. To find out if the site is a Private Timber Reserve, contact [Private Forests Tasmania](#) on 6777 2720.

To find out whether a planning permit is required for your proposed activities, check the relevant Planning Scheme on the [Tasmanian iplan website](#) or contact the local Council to discuss your plans.

Photo: NRM South



Applying for a planning permit

Where a planning permit is required, you will need to apply to the Council, providing details of the works proposed and what you will do to minimise environmental impacts. It is always a good idea to discuss your proposal with a Council planning officer before you make the application to help you to identify potential issues you will need to address and the information that you will need to include in your application. The application forms and fees differ between Councils, so check with the local Council before submitting the application.

If you are not the landowner, you will need to demonstrate that you have the landowner's consent to make the application (see [page 18](#)).

Many permit applications for activities in a waterway protection area will be advertised, and public comment will be invited before Council decides whether to grant a planning permit. In general, permit applications must be decided within 42 days, however this period may be extended with your consent or if the Council has requested further information from you.

If your application is for a Level 2 activity (see below), the local Council will refer your application to the Environment Protection Authority (**EPA**) for assessment. The EPA will advertise the application and invite public comment before making a recommendation to the Council about whether to approve the application. The local Council must act consistently with the EPA recommendations, including imposing any recommended conditions.

If a permit is granted, you must comply with all permit conditions. Unless a permit condition provides otherwise, you should also comply with the following Environmental Best Practice Guidelines:

- [Construction Practices in Wetlands & Waterways](#)
- [Excavating in Waterways](#)
- [Siting and Designing Stream Crossings](#)

Completed Riverworks. Photo: Jesse Webster





Erosion. Photo: Jesse Webster

Level 2 activities

If your project is of a type listed in Schedule 2 of the *Environmental Management and Pollution Control Act 1994*, it will be assessed as a Level 2 activity. Examples of projects that may be Level 2 activities include:

- dumping dredge spoil in inland waters
- creation of artificial reefs
- extracting more than 5000m³ of sand or clay
- applying bio-solids to agricultural land

If the local Council is concerned that your project may have a significant impact on the environment, they can refer the project to the EPA for assessment as a Level 2 activity, even if the activity is not listed in Schedule 2.

Discussing your proposal with the Council before making an application can help you to find out any concerns they have and consider ways to re-design the project to minimise and manage environmental impacts.

Building permits

Most building (even for temporary structures) requires a building permit. However, some building works are exempt, including low fences and retaining walls, small outbuildings and pergolas, antennas and wind turbines lower than 6m. To find out if your proposed building requires a building permit, [check the exemptions](#) and contact your local Council.

If a building permit is required, you must obtain the permit before commencing work. Carrying out work without a building permit can attract significant fines, and you may be required to remove any work undertaken without approval.

For more information about applying for a building permit, visit the [Building Standards website](#).

Clearing or removing trees

If your project will involve clearing trees (whether dead or alive, standing or fallen) within a streamside reserve or on other vulnerable land, you will generally require a certified Forest Practices Plan under the *Forest Practices Act 1985*. A streamside reserve extends between 10 – 40 m from the banks of a waterway, depending on the classification of the waterway, according to the [Forest Practices Code](#).

There are some exemptions to the requirement to obtain a certified Forest Practices Plan. These include:

- clearing regrowth on previously cleared land
- clearing for infrastructure maintenance (including maintaining fences)
- clearing under an approved fire management plan, conservation covenant, rehabilitation plan, planning permit or dam works permit

If the works within the waterway support forestry activities (for example, installing culverts or stream crossings to allow vehicles to access adjacent forestry coupes), a Forest Practices Plan will also be required, even if the works themselves do not involve clearing trees.

You can contact the Forest Practices Authority to discuss your project, whether a Forest Practices Plan will be required and what conditions may apply.

Photo: Alison Hugo



Approvals you may require:

- Planning permit** – check your local Planning Scheme or contact the local Council
- Forest Practices Plan** – contact the Forest Practices Authority
- Crown consent to remove vegetation** – contact Crown Land Services

If a Forest Practices Plan is required, you will need to apply to the Forest Practices Authority for certification. A [forest practices officer](#) will prepare the plan in consultation with you and certify the plan if satisfied that it meets the requirements of the [Forest Practices Code](#). The Code outlines various restrictions regarding construction of stream crossings and works within streamside reserves.

You should allow one to two months for a Forest Practices Plan to be certified. Neighbours within 100m of the proposed clearing are generally notified that a draft plan is to be certified.

You should consult the following best practice guidelines to minimise the impact of your activities:

- [EPA guidelines](#) on managing impacts on Class 4 streams
- [Managing Large Woody Debris in Waterways](#)
- [Managing Riparian Vegetation](#)

Debris within a Crown reserve

If debris is blocking a waterway within a Crown reserve, contact Crown Land Services. They will assess whether the debris needs to be moved, and any special considerations for removal of the debris (such as habitat disturbance). If satisfied that the works to remove the debris are appropriate, Crown Land Services may undertake the work themselves, or authorise you to undertake the works.

River maintenance

Works within a streamside reserve often require a planning permit, however some works to remove weeds and debris and to stabilise river banks may be exempt from this requirement. You should contact the local Council to discuss any proposed maintenance works to see whether a permit is required.

If the works may cause significant sedimentation of the waterway (for example, by increasing erosion), contact DPIPW to discuss whether you need to prepare a works plan showing how you will minimise the risks (see [page 38](#)).

Where a work site is within a riverworks district, a local Council can undertake a range of works to protect the waterway. However, the Council will still need to obtain a planning permit if required by the relevant Planning Scheme (see [page 22](#)).

For inland waterways, you must not plant any aquatic plant without approval from the Director of Inland Fisheries. Contact the [Inland Fisheries Service](#) on 6165 3808 to discuss any proposed revegetation work to see whether approval is required.

Approvals you may require:

- Planning permit** – check your local Planning Scheme or contact the local Council
- Approval for aquatic plants** – contact Inland Fisheries Service
- Approval to remove weeds from an Infested or Protected Area** – contact Biosecurity Tasmania

Weed removal will need to comply with any approved weed management plan for declared weeds on the site. If the waterway on which maintenance works are proposed is within a declared Infested Area or Protected Area under the *Weed Management Act 1999*, you will require a permit from DPIPW to remove weeds or introduce any vegetation. For more information, contact [Biosecurity Tasmania](#) on 6165 3777.

For more information about best practice river maintenance activities, see [pages 38-39](#).

Revegetation. Photo: NRM South



Dams, levees and weirs

Most dams, levee banks and weirs require a permit under the *Water Management Act 1999*. However, the following works will not require a dam works permit:

- Off-stream dams with capacity less than 1 ML, provided the dam is more than 100m from any infrastructure
- Temporary levee structures for flood protection (to be removed within 4 weeks)
- Routine repairs of existing dams, provided the height, steepness, or capacity of the dam are not increased
- Urgent dam works required for safety reasons, provided the dam will not cause serious environmental harm
- Repair and maintenance works, including removing vegetation from a spillway, dam wall or water storage, de-silting a dam or placing topsoil, gravel or other material to prevent damage to an embankment or spillway (without affecting its operation)
- Installing flow meters

If you are unsure whether your proposed works would be exempt, [contact the relevant Regional Water Management Officer](#) to discuss your proposal.

If your proposed works are not exempt, you will require a Division 4 permit for a low risk dam, or a Division 3 permit for a higher risk dam. [Use the guide on the DPIPWE website](#) to determine which permit you will need – any dam works on a watercourse, in the coastal zone or within 500m of a Ramsar wetland will require a Division 3 permit.

Approvals you may require:

- Planning permit** – check your local Planning Scheme or contact the local Council
- Dam works permit** – contact your Regional Water Management Officer

For works requiring a Division 4 permit, you do not need to apply for a permit. Provided your dam works will comply with the [Division 4 Permit Dam Works Code 2015](#), all that is required is that you [provide notice](#) to the Minister. Unless the Minister notifies you otherwise, you will be deemed to have a permit for the works.

For Division 3 permits, you will need to [make an application to the Minister](#). The application will need to demonstrate how you will manage risks relating to flooding, landslide, erosion, acid sulfate soils, damage to natural values and freshwater ecosystems. Dams must comply with the [Works Code](#) and the [Code for Vegetation Clearing](#), as well as statutory [safety requirements](#).

Notice of the application will be published in the newspaper and given to all neighbouring landowners. Public comments will be considered by the Minister before any decision is made to grant a permit.

For more information about dam works permits, go to the [DPIPWE website](#) or [contact your Regional Water Management Officer](#).

Photo: Willem van Aken, [CSIRO](#)

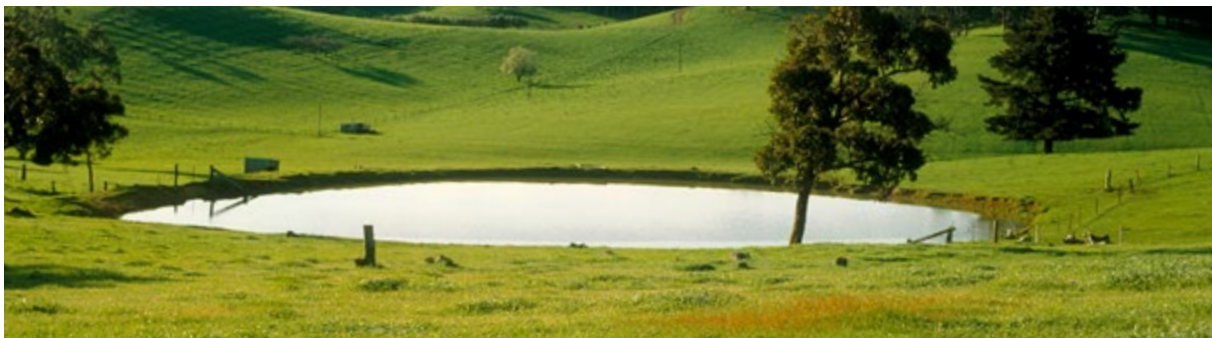




Photo: [JJ Harrison](#)

Taking water

Riparian water rights

If your property is situated on a waterway, you have “riparian rights” to take small volumes of water for domestic uses (including watering gardens) and watering livestock. You will not require a water licence to take water for these uses, provided you do not exceed [the volume limits on riparian rights](#). These volumes may be further restricted during times of drought.

Water licences

You will need to have a water licence to take water from a waterway or instream dam for any of the following uses:

- agricultural, industrial or commercial activities (including irrigation)
- domestic activities for non-riparian owners
- domestic activities or stock watering on riparian land if the amount taken is higher than the statutory limits

If you take water without a licence, you can face significant penalties.

Applications for a water licence are made to DPIPWE and should be supported by a report from an [authorised consultant](#) outlining your water needs, and whether your application is consistent with a water management plan for the relevant catchment. The application will be advertised and public comment invited before a decision is made.

Allow up to 8 weeks for your application to be decided (though it may be longer if more information is required). If you are unhappy with the decision, including any conditions imposed on the water licence, you can seek a review.

Approvals you may require:

- Water licence** – contact your Regional Water Management Officer
- Well works permit** – contact DPIPWE

For more information about applying for a water licence, visit the [DPIPWE website](#) or contact the licensing officer on 6165 3019.

Groundwater bores

If you are drilling a bore to draw groundwater, you will need a Well Works Permit. A permit is not required if the bore is for water testing, investigation or exploration purposes only.

Wells may only be drilled by licensed water drillers. A [list of licensed drillers](#) is available from DPIPWE.

For more information regarding permit requirements, check the [Well Works Permit Information Sheet](#).

Provided you have (and comply with) a Well Works Permit, you do not require a water licence to use the water unless your work site is within a declared Groundwater Area. Currently, the only Groundwater Area is within the [Sassafras-Wesley Vale Water Management Plan](#).

To find out more about groundwater in your area (including bore locations and water quality data), check the [Groundwater Information Access Portal](#) or contact DPIPWE on 6165 3222.

Removing rock and gravel

Unlike most other minerals, gravel, rock, sand and clay are owned by the landowner, not the Crown. On private land, you can use these minerals for activities on your own property without a mining lease. However, if you need to excavate to get to the minerals, you may need a planning permit - especially if you are digging near a waterway. Contact your local council to discuss their permit requirements (see [page 20](#)).

You can also sell up to 100 tonnes of rock, sand or gravel from your property without a mining lease, provided you have the necessary planning permit. If you are selling more than 100 tonnes, you will need to apply for a mining lease under the *Mineral Resources Development Act 1995*, and must comply with the [Quarry Code of Practice](#).

On Crown Land, you will need a licence to remove any volume of gravel, stone, sand or other natural materials (in addition to any mining lease or planning permit requirements). You can [apply to the Minister for a licence](#) under the *Crown Lands Act 1976*. If a licence is granted, you must comply with all licence conditions, including conditions dealing with rehabilitation.

For information about how to work out whether land near a waterway is your property, or Crown land, see [page 18](#). Regardless of the tenure of the land, if you



Approvals you may require:

- Planning permit** – check your local Planning Scheme or contact the local Council
- Mining lease** – contact Mineral Resources Tasmania
- Licence to remove material from a Crown reserve** – contact Crown Land Services
- Level 2 activity approval** – contact the EPA to discuss. If required, this will generally be included as part of your planning permit.

will take more than 5,000 m³ of rock, gravel, sand, or other minerals, you will need approval from the EPA for a Level 2 activity (see [page 23](#)).

In addition to any permit requirements, when undertaking any excavation work in or near a waterway you should refer to [Environmental Best Practice Guidelines 3 – Excavation in Waterways](#).

Prospecting and fossicking

On private or Crown land, if you are prospecting for minerals (that is, exploring within 2m of the surface), you may need to apply for a prospecting licence.

For information about prospecting and mining licences, visit the [Mineral Resources Tasmania website](#) or contact MRT on 6165 4800.

A number of areas in Tasmania are declared Fossicking Areas. Within these areas, amateur fossickers can search for minerals with hand tools without a licence. All fossickers must comply with standard conditions limiting the volume of minerals that can be taken and minimising erosion and pollution. For more information about Fossicking Areas, refer to [Fossicking in Tasmania](#).

Grazing livestock

Livestock can graze and get water from waterways on private property without a permit. If your land is adjacent to a waterway, you can take some water for livestock without a water licence (see [page 27](#)).

If the waterway is on Crown land, you will need to [apply to Crown Land Services](#) for a licence to graze livestock within the Crown reserve. If you do not have a licence, you may be fined and your livestock may be impounded for trespassing.

For tips on how to find out if a waterway is on Crown land or is part of your private property, see [page 18](#).

If the waterway is within an Infested Area or Protected Area declared under the *Weed Management Act 1999*, you will need a permit from DPIPW to allow livestock to pass through the area. For more information, contact [Biosecurity Tasmania](#) on 6165 3777.

In all cases, owners must ensure that livestock do not pollute the waterway to such an extent that it causes a nuisance to downstream users (for example, increasing turbidity or faecal pollution). If livestock are causing an environmental nuisance, the local Council

Approvals you may require:

- Crown lease or licence** – contact Crown Land Services
- Approval for livestock access to an Infested or Protected Area** – contact Biosecurity Tasmania

may issue a notice requiring you to remove the livestock and remediate the waterway.

If the waterway provides habitat for threatened species, such as burrowing crayfish, you will need to consider whether the grazing activity is likely to harm the species. If so, you may require a permit (see [page 30](#)).

For more information about minimising the impacts of grazing activities, refer to NRM South's [Fact Sheet: Pasture and Grazing](#) and [Guide to Planned Grazing](#).

Cattle at Ringarooma River near Gladstone. Photo: Emma Williams



Where is Your Work Site?

This section identifies permits that may be required because of the location or characteristics of the particular waterway in which the activity is undertaken.

Carrying out works without the appropriate permit can result in significant fines. You may also be required to remove unauthorised structures and rehabilitate the site.

Natural and Cultural values of the site covered in this section include:

- Threatened species, native vegetation communities and migratory species
- Protected areas
- Aboriginal heritage
- European heritage

Threatened species, native vegetation communities and migratory species

If your work site provides habitat for any of the following, you may require various permits:

- Flora or fauna listed under the *Threatened Species Protection Act 1995*
- Threatened species listed under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* such as Giant Freshwater Crayfish or Australian grayling
- Migratory bird species listed under the EPBC Act
- Threatened ecological communities listed under the EPBC Act (including lowland temperate grasslands in Tasmania's midlands)
- Threatened native vegetation communities listed under the *Nature Conservation Act 2002* (including all wetlands, riparian scrub, subalpine rushland and various grasslands).

To find out whether threatened species, threatened vegetation communities or migratory species are likely to exist within your work site, search for the property using the [Protected Matters map](#) (for EPBC Act species) or the [Natural Values Atlas](#), with a suitable buffer (i.e. 5 - 10km).

Approvals you may require:

- Planning permit** – check your local Planning Scheme or contact the local Council
- Approval under the EPBC Act** – contact the Department of Environment
- Threatened species permit** – contact the Conservation Assessment Branch
- Forest Practices Plan** – contact the Forest Practices Authority

If threatened species may be present on your work site, you may need to engage a consultant to [carry out an on-ground survey](#) – contact DPIPW to discuss this prior to planning your activities.



Tasmanian Giant Freshwater Crayfish, *Astacopsis gouldi*. Photo: [shutterstock.com.au](https://www.shutterstock.com.au)

Threatened and migratory species

Planning schemes often require any work within threatened species habitat to be assessed by the local Council, and supported by a natural values assessment. If your project will occur within the habitat of listed threatened species, contact the local Council planning officer to discuss whether a planning permit will be required and what assessment documentation you will need to submit (see [page 20](#)).

If your project requires you to “take” (that is, kill, remove, injure, damage or collect) threatened species, you will need a permit from DPIPWE (in addition to any planning permit). For information and advice on applying for a permit, contact the [Conservation Assessments Section](#). The Conservation Assessment Section can also advise you about ways to re-design your project to avoid impacts on threatened species.

If your project requires a Forest Practices Plan (see [page 24](#)) or a dam works permit (see [page 26](#)), you will not need to get a separate threatened species permit. Impacts on threatened species will be assessed as part of your application for the other approvals.

If your project is likely to have a “significant impact” on a threatened species or ecological community or a migratory species listed under the EPBC Act, you will need to refer the project for assessment under that Act. For information about whether a project is likely to have a ‘significant impact’, consult the [Significant Impact Guidelines](#).

Referrals under the EPBC Act will be advertised and public comment invited before the Minister decides whether a permit is required. If a permit is required, you may need to submit detailed natural values reports outlining the impacts your project will have and what steps will be taken to manage those impacts. If a permit is granted, you will need to comply with all permit conditions.

For more information about making a referral under the EPBC Act, [check the referral guidelines](#) or contact the Assessments Branch on 1800 803 772.

Threatened native vegetation communities

A Forest Practices Plan will be required to clear and convert any threatened native vegetation community. This includes clearing for pasture or agricultural uses, clearing to create a road or to erect a shed or install a pump station.

Some limited exemptions apply where the clearing is for emergency works, clearing small areas of regrowth, maintaining infrastructure or carried out under an approved vegetation management plan.

If you are applying for a Forest Practices Plan for clearing and conversion of a threatened native vegetation community, you will need to identify how much vegetation will be cleared, what method will be used and what is intended to replace the vegetation (e.g. non-native vegetation, left as pasture or building a shed).

A Forest Practices Plan will only be certified if the Forest Practices Authority is satisfied that your proposed work:

- Is justified by exceptional circumstances (including safety needs, reducing bushfire or flood risks or responding to a biosecurity risk); or
- Is likely to have an overall environmental benefit (this may require you to protect other areas of vegetation to 'offset' your impact); or
- Is unlikely to detract substantially from the conservation of the threatened native vegetation community or other conservation values in the vicinity of the vegetation community (such as habitat connectivity).

If you intend to apply to clear and convert a threatened native vegetation community, it is a good idea to contact the Forest Practices Authority to discuss your proposal before applying for a Forest Practices Plan. If your application for a Forest Practices Plan is rejected on the grounds that natural values need to be protected, you may be entitled to compensation.

For more information about clearing controls, check the [FPA's land clearing fact sheet](#) and [threatened native vegetation guide](#).



Protected areas

National parks and reserves

If your work site is within a national park or reserve under the *Nature Conservation Act 2002*, you will require consent from the relevant managing authority (generally, Parks and Wildlife Service) for the following activities:

- cutting down or damaging a tree (including a fallen tree)
- removing sand, rock or gravel
- damming, diverting or polluting any waterway
- erecting a fence or sign
- removing a fence
- disposal of rubbish
- accessing any off-road area (unless authorised under the management plan for the reserve)
- any activity that the Management Plan for the reserve says will require a permit

Significant fines may be imposed if you undertake these activities without consent. Any unauthorised fencing or structures may be removed.

The Parks and Wildlife Service (**PWS**) may charge a permit fee. Where an activity is ongoing, a licence may be required, and may need to be renewed annually. It is a good idea to contact PWS on 6165 4247 to discuss your project and any permit requirements prior to commencing the work.

Depending on the scale of the works, you may also require a planning permit (see [page 20](#)). Contact the local Council to find out whether a permit will be required.

Approvals you may require:

- Planning permit** – check your local Planning Scheme or contact the local Council
- Reserved land permit or licence** – contact the Parks and Wildlife Service
- Approval under the EPBC Act** – contact the Department of the Environment and Energy
- Variation of a conservation covenant** – contact DPIPWE
- Approval for works in a fauna reserve** – contact the Inland Fisheries Service
- Forest practices plan** – contact the Forest Practices Authority

Conservation covenants

If your work site falls within an area covered by a conservation covenant, the covenant holder could face significant penalties if the work contravenes the covenant.

If the work cannot comply with the terms of your covenant, you can apply to the Minister to vary the covenant to allow the works. You should provide details of why the work is necessary and how you will protect the natural values of the covenanted land.



Ramsar wetlands

If your work site is within, adjacent to, or would otherwise have a significant impact on a Ramsar listed wetland, you will need to refer the project for assessment under the EPBC Act.

For a list of Ramsar wetlands, [check the DPIPWE website](#). For information about whether a project is likely to have a 'significant impact' on the wetland, consult the [Significant Impact Guidelines](#). Examples of activities that may have a significant impact include introducing pest species, increasing salinity or nutrients or removing saltmarsh habitat.

Referrals under the EPBC Act will be advertised and public comment invited before the Minister decides whether a permit is required. If a permit is required, you may need to submit detailed reports outlining the impacts your project will have on the wetland and what steps will be taken to manage those impacts. If a permit is granted, you will need to comply with all permit conditions.

For more information about making a referral under the EPBC Act, [check the referral guidelines](#).

All wetlands are classed as threatened native vegetation communities, so any works to clear and convert wetlands will also require a Forest Practices Plan (see [page 24](#)). Works within 100m of a Ramsar wetland will generally also require a planning permit (see [page 20](#)).

Future coastal refugia areas

Most Planning Schemes identify areas of "Future Coastal Refugia" – land that is likely to be needed as habitat in future as species relocate because of sea level rise and changing climates. Contact DPIPWE for further information regarding the location of future coastal refugia in your area.

If your work site is within a future coastal refugia area, the work will generally require a planning permit. Refer to [page 22](#) for information about applying for a planning permit.

Vulnerable land

If your project involves removing any trees or threatened native vegetation communities on vulnerable land, a Forest Practices Plan will be required. See [page 24](#) for more information about applying for a Forest Practices Plan.

Inland fisheries fauna reserves

If the Director of Inland Fisheries has declared that a waterway is a fauna reserve, it is an offence to do any of the following without approval from the Director:

- remove any animals or plants from the waterway
- remove any animals or plants within 100m of the waterway
- pollute or otherwise disturb the fauna reserve

You can apply to the Director for approval to undertake these activities. Contact the [Inland Fisheries Service](#) on 6165 3808 to discuss whether your project is likely to impact on a fauna reserve.

Lake Crescent. Photo: NRM South



Aboriginal heritage

We all have a responsibility to protect Aboriginal cultural heritage and take care when undertaking any work that may uncover or damage places or artefacts of heritage significance. If your activity will occur in an area where Aboriginal relics (such as artefacts, paintings, stone scatters, tools or other evidence of Aboriginal habitation) have been recorded, or are likely to be found, the *Aboriginal Relics Act 1975* may apply.

If you damage, destroy, interfere with or remove an Aboriginal relic without a permit, you could face significant fines and be required to carry out remediation work.

To find out if your work site contains, or is likely to contain, Aboriginal relics, submit a [Desktop Assessment request](#) to Aboriginal Heritage Tasmania before you start the works. This is recommended for any rural property that has not been subject to significant disturbance in the past, particularly around good quality water sources that may have been meeting places for Aboriginal groups.

Stone tools. Photo: Andry Sculthorpe



Approvals you may require:

- Planning permit** – check your local Planning Scheme or contact the local Council
- Permit to move an Aboriginal relic** – contact Aboriginal Heritage Tasmania
- Approval under the EPBC Act** – contact the Department of the Environment and Energy

The Desktop Assessment is free of charge, and may have the following outcomes:

- **Aboriginal heritage will not be impacted** - you can proceed with the activity without a permit.
- **Further information required** – you will need to engage an Aboriginal Heritage Practitioner to survey the site and recommend mitigation options to avoid damage to Aboriginal heritage. Depending on the Practitioner’s recommendations, you may need to apply for a permit.
- **Aboriginal heritage will be disturbed** – you will need to apply for a permit.

If a permit is required, you can apply using the [Permit application form](#) (there is no application fee). Allow around four weeks for the application to be assessed. If a permit is granted, you must comply with any permit conditions.

Whether or not a permit is required, if you discover any Aboriginal relics during your work, you must stop work and [report the find to Aboriginal Heritage Tasmania](#).

For more information, go to the [Aboriginal Heritage Tasmania website](#).

World Heritage areas or National heritage places

If your work site is within, adjacent to, or would otherwise have a significant impact on a World Heritage Area or a National Heritage Place with indigenous heritage values, you will need to refer the project for assessment under the EPBC Act.

To find out if the work site is within a World Heritage Area or National Heritage Place, check the [Protected Matters map](#). For information about whether a project is likely to have a 'significant impact', consult the [Significant Impact Guidelines](#).

Referrals under the EPBC Act will be advertised and public comment invited before the Minister decides whether a permit is required. If a permit is required, you may need to submit detailed reports outlining the impacts your project will have on the heritage values of the site and what steps will be taken to manage those impacts. If a permit is granted, you will need to comply with all permit conditions.

For more information about making a referral under the EPBC Act, [check the referral guidelines](#).

Photo: Brendan Gogarty



European heritage

If your work site is on a property listed on the Tasmanian Heritage Register, you may require approval from the Tasmanian Heritage Council under the *Historic Cultural Heritage Act 1995*. The heritage values of the property may include its landscape setting and vegetation, historic fencing or other factors affecting any waterway within the property.

To find out if your work site is on the Tasmanian Heritage Register, [search the online register](#) or contact Heritage Tasmania on 1300 850 332.

If the works are unlikely to impact on the heritage values of the place (such as general maintenance of fences and riparian vegetation, installing culverts or routine farming activities), you can apply to the Heritage Council for a certificate of exemption. If a [certificate of exemption](#) is granted, you will not need to apply for further heritage approval¹.

If an exemption is not granted, you will need to submit an application to the local Council for a planning permit (see [page 22](#)). The application will then be referred to the Tasmanian Heritage Council for review. The application will also be advertised and public comment invited.

The Heritage Council will make a recommendation to the local Council about whether to approve the works. The local Council must follow the Heritage Council recommendations, including imposing any recommended conditions.

Allow up to 56 days for the application to be decided. It is a good idea to speak with a Heritage Advisor before making the application so that your application includes all the necessary information and addresses any potential heritage issues upfront.

For more information about heritage approvals, check the [Heritage Council's Works Guidelines](#).

Some Planning Schemes also include a register of local heritage places that are not on the Tasmanian Heritage Register, but still have heritage significance. Works on these places generally require a planning permit (see [page 20](#)). Contact the local Council to see if your work site is within a local heritage place.

Approvals you may require:

- Planning permit** – check the local Planning Scheme or contact the local Council
- Heritage works exemption certificate** – contact Heritage Tasmania
- Approval under the EPBC Act** – contact the Department of the Environment and Energy

World Heritage areas or National heritage places

If your work site is within, adjacent to, or would otherwise have a significant impact on a World Heritage Area or a National Heritage Place with indigenous heritage values, you will need to refer the project for assessment under the EPBC Act.

To find out if the work site is within a World Heritage Area or National Heritage Place, check the [Protected Matters map](#). For information about whether a project is likely to have a 'significant impact', consult the [Significant Impact Guidelines](#).

Referrals under the EPBC Act will be advertised and public comment invited before the Minister determines whether a permit is required. If a permit is required, you may need to submit detailed reports outlining the impacts your project will have on the heritage values of the site and what steps will be taken to manage those impacts. If a permit is granted, you will need to comply with all permit conditions.

For more information about making a referral under the EPBC Act, [check the referral guidelines](#).

¹ Other approvals may still be required, as outlined elsewhere in this Guide.

How Will Works Be Carried Out?

This section identifies situations in which a permit may be required because of the way in which an activity is carried out. In some circumstances, careful planning can help you to avoid the need to obtain a permit.

The following potential risks are discussed:

- Polluting a wetland or waterway
- Interfering with fish passage in the waterway
- Removing or disturbing weeds
- Using herbicides, pesticides or other agricultural chemicals
- Disturbing contaminated soils

Does your activity have potential to pollute a wetland or waterway?

Works on wetlands and waterways may impact upon water quality by increasing sediments and erosion impacts, or introduction of chemicals and waste.

You are responsible for obtaining all required permits (outlined throughout this Guide) and complying with the conditions of any permits in order to reduce environmental impacts.

Beyond that, you are also subject to the General Environmental Duty under the *Environmental Management and Pollution Control Act 1994*, which requires a person to “take such steps as are practicable or reasonable to prevent or minimise environmental harm or environmental nuisance caused, or likely to be caused, by an activity conducted by that person.”

Talk to your local NRM officers about ways to modify your activities to reduce environmental impacts.

It is also an offence under the *Inland Fisheries Act 1995* to introduce any material that is poisonous or harmful to fish, their spawning grounds or their food into inland waters (including chemicals, effluent and pathogens). You can apply to the Director of Inland Fisheries for a permit to allow the material to be used, particularly if the chemical use is necessary for scientific research or biological control of a pest species. If approval is granted, you will need to comply with any permit conditions.

Approvals you may require:

- Planning permit** – check your local Planning Scheme or contact the local Council
- Approval to introduce material in a fishery** – contact Inland Fisheries Service
- Work plan for review by DPIPWE** – contact DPIPWE

For more information, contact the [Inland Fisheries Service](#) on 6165 3808.

Designing your project to avoid pollution

You must make sure that your work site is designed, and your project carried out, in a way that identifies potential pollution sources and minimises risks of run off and erosion. For more information on how to minimise pollution risks, consult the following Environmental Best Practice Guidelines:

- [Construction Practices in Wetlands & Waterways](#)
- [Excavating in Waterways](#)
- [Minimising Environmental Harm from Agricultural Drainage Channels](#)
- [Siting and Designing Stream Crossings](#)
- [Effluent Reuse Guidelines \(for irrigation and other use of recycled water and effluent\)](#)
- [Property Planning Guide - Healthy Farming](#)

You must notify the local Council and the EPA of any incident that may give rise to pollution as soon as practicable. At least one person working on the project should be given responsibility for monitoring and reporting any pollution incidents. You may need to install monitoring equipment for the duration of your project to ensure that impacts on water quality are being effectively managed.

If your activity is harming the waterway, the local Council may issue an Environment Protection Notice or abatement notice requiring you to take action to address the harm. If water quality is affected so much that it poses a threat to public health, the local Council can take action to address the threat under the *Public Health Act 1997* (such as issuing boil water alerts and removing contaminants).

You can discuss your project with DPIPWE before you start, and submit a work plan for them to review. If you follow the approved work plan, it will significantly reduce the risk of environmental harm.

Soil erosion. Photo: Jesse Webster





Brown Trout. Photo: [Eric Engbretson](#)

Is your activity likely to interfere with fish passage in the waterway?

It is important to make sure that activities in waterways (such as constructing bridges or culverts or installing flow meters) do not prevent fish from freely passing through inland waters. If your activity will do anything to make it harder for fish to use the waterway, you will need approval from the Director of Inland Fisheries.

If approval is granted, it may be subject to conditions requiring a fish pass to be installed as part of your work. Work to construct an approved fish pass will not require a dam works approval under the *Water Management Act 1999* (see [page 26](#)).

If a dam, weir, bridge or culvert already exists in the waterway in which you are working, take care not to damage any fish pass. If any damage is done you will need to reinstate the fish pass in accordance with any direction from Inland Fisheries. Work to repair or maintain an existing fish pass will not require a separate dam works approval (see [page 26](#)).

To discuss how your project can be designed to avoid interfering with fish movements, contact [Inland Fisheries Service](#) on 6165 3808.

Approvals you may require:

- Planning permit** – check your local Planning Scheme or contact the local Council
- Dam works approval** – contact DPIPW
- Approval to interfere with fish passage** – contact the Inland Fisheries Service

Useful resources for designing activities to minimise impacts on fish passage include:

[Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings](#)

[Guidelines for the Design and Maintenance of Stream Crossings for the Passage of Fish and Other Aquatic Fauna](#)

Will your activity involve the use of herbicides, pesticides or other agricultural chemicals?

If you will be using chemicals to control weeds, manage invasive species or to promote vegetation growth within or adjacent to a waterway, you must:

- Make sure that the chemical is approved for use in or near waterways (this should be stated on the label)
- Only apply the chemical at or below the concentration specified on the label
- Carry out any ground spraying in accordance with the [Code of Practice for Ground Spraying](#) (e.g. using appropriate equipment, wearing appropriate clothing and spraying only in appropriate weather conditions)
- Carry out any spraying in public reserves in accordance with the [Code of Practice for Spraying in a Public Place](#)
- Store all chemicals safely in accordance with the label requirements
- Not use any agricultural product containing 2, 4-D between 15 September - 15 April

If you do not comply with these requirements, you may face significant fines under the Agricultural and Veterinary Chemicals (Control of Use) Act 1995. If you have any questions regarding the use or storage of chemicals, contact the Chemicals Coordinator at DPIPWE on 6777 2133.

An agricultural spraying permit will be required for the application of some restricted (generally, more toxic) chemicals, including products containing:

- 4-aminopyridine hydrochloride
- alpha chloralose
- mevinphos (for brassica crops only)
- fenthion (when used for control of birds)
- pindone

Approvals you may require:

- Spraying permit** – contact DPIPWE
- Certificate of competency** – contact DPIPWE

If you are unsure whether a permit is required for the chemical you propose to use, contact the AgVet Licence Coordinator on 1300 368 550.

Any person applying Phosdrin insecticides is required to hold a current ChemCert or other approved qualification. To apply for a certificate of competency, [contact DPIPWE](#).

If you employ someone to undertake any spraying, make sure that person holds a commercial operator licence and a certificate of competency, and complies with their licence conditions.

Significant penalties apply if your spraying activities adversely affect plants, livestock, crops, soil or water supplies on another property (unless you have the consent of the owner of that property)¹. To minimise the risks of spray drift, carry out all spraying activities in accordance with [Guideline for Safe and Effective Herbicide Use Near Water](#) or [Herbicides: guidelines for use in and around water](#) and observe all recommended buffer distances.

You should notify any neighbours within 100m of your work site that you intend to spray chemicals, letting them know the type of chemical and the dates on which you plan to spray. If your activity involves aerial spraying, notice must be given to landowners within 1km of the work site in accordance with any orders from the Secretary of DPIPWE.

If you are concerned that chemicals sprayed during your work have drifted off-target, report this to the Spray Incidents Coordinator on 6777 2133.

¹ Spray will "adversely affect" off-site values where chemicals residues exceed limits set out in r.44 of the *Agricultural and Veterinary Chemicals (Control of Use) Regulations 2012*.

Will your activity involve removing or disturbing weeds?

To avoid the spread of declared weeds, your activity must comply with all relevant weed management plans under the *Weed Management Act 1999*. These management plans detail the distribution of declared weeds and outline appropriate control measures.

To find out what weeds are likely to be present on your work site, consult the [Weeds Index - Declared Weeds](#).

When planning any activity in a waterway that may disturb weeds, contact your local NRM officers for advice about ways to reduce the risk of spreading weeds. Useful tips on planning weed management activities are also available in the following resources:

- [Tasmanian Weed Handbook](#)
- [WeedPlan: Tasmania's Weed Management Strategy \(Second Edition, 2005\)](#)

Approvals you may require:

- Approval to remove weeds from an Infested or Protected Area** – contact Biosecurity Tasmania
- Any additional approval required by a weed inspector**

A weed inspector may issue you with a notice requiring you to take specified actions to control or eradicate weeds or reduce the risk of contamination of nearby areas. If you are issued with a notice, you must comply with all measures set out in the notice.

As outlined on [page 25](#), if your work site is within a declared Infested Area or Protected Area under the *Weed Management Act 1999*, you will need approval from DPI/PWE for any activities to plant or remove vegetation or access the area with vehicles or machinery.

Photo: Alison Hugo



Is your activity likely to disturb contaminated soils?

Contaminated soils require careful management, so it is important to consider whether soil on your work site may have high levels of contaminants, such as oil or chemicals. You can contact the local Council for a land information certificate to see whether any contaminated sites notices have been issued for the site.

Even if no notices have been issued, if your work site has been used for any [potentially contaminating activities](#) in the past, or you have any other reason to suspect that the site may be contaminated, you should contact the EPA and make a [Property Information Request](#).

If the Property Information Request shows that the work site is likely to be contaminated, you may need to carry out a contaminated site assessment and undertake work to remove the contaminated soils.

For further information about dealing with contaminated soil, contact the Contaminated Sites Unit on 6165 4594.

Approvals you may require:

- Contaminated site works approval** – contact the Contaminated Sites Unit
- Planning permit** – contact the local Council

Photo: Austen May



Resources

General

For general information about support and resources available as part of Tasmania's Flood Recovery programme, go to [TasALERT](#)

[Dealing with Debris or Log Jams Following Flooding: Fact Sheet](#). DPIPWE. 2003

[Environmental Law Handbook](#). EDO Tasmania. 2014

[Fact Sheet: Pasture and Grazing](#). NRM South. 2015

[Guide to Planned Grazing](#). NRM South. 2014

[Natural Values Atlas](#). Tasmanian Government

[Wetlands and Waterways Works Manual](#). DPIPWE. 2011

[Property Planning Guides - Healthy Farming](#). NRM South. 2015

Agricultural chemicals

[Code of Practice for Aerial Spraying](#)

[Code of Practice for Ground Spraying](#)

[Code of Practice for Spraying in a Public Place](#)

[Guidelines for Safe and Effective Herbicide Use near Waterways](#). DPIPWE. 2012

[Herbicides: Guidelines for Use in and around Water](#). Cooperative Research Centre for Australian Weed Management. 2013

[Recreational Water Quality Guidelines](#). Department of Health and Human Services. 2007

[Water Quality Guidelines and Reports](#). Department of Health and Human Services

Inland Fisheries

[Guidelines for the Design and Maintenance of Stream Crossings for the Passage of Fish and Other Aquatic Fauna](#). Forest Practices Authority – Technical Note 15

[Keeping It Clean. A Tasmanian Field Hygiene Manual to Prevent the Spread of Freshwater Pests and Pathogens](#). Allan, Kaylene, and Gartenstein. 2010. NRM South

[Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings](#). Fairfull, S. and Witheridge, G. 2003. NSW Fisheries

Planning and Development

[A Guide to Environmental Impact Assessment](#). EPA. 2013

[General Guidelines for the Preparation of a Development Proposal and Environmental Management Plan for Level 2 Activities and 'Called in' Activities](#). EPA. 2008

[Heritage Works Guidelines](#). Tasmanian Heritage Council

[Tasmanian iplan website \(for access to Tasmanian Planning Schemes\)](#). Tasmanian Government

Removing gravel and rock

[Fossicking Areas in Tasmania](#). Mineral Resources Tasmania. 2012

[Quarry Code of Practice](#). Mineral Resources Tasmania. 1999

Threatened species

[Significant Impact Guidelines under the EPBC Act](#). Department of the Environment. 2009

[Submitting a referral under the EPBC Act – A fact sheet for a person proposing to take an action](#). Department of the Environment. 2014

[Threatened native vegetation guide](#). Forest Practices Authority. 2016

[Threatened Species Link](#). Tasmanian Government

Vegetation clearing

[Forest Practices Code](#). Forest Practices Authority. 2015

[Guidelines for the Protection of Class 4 streams](#). Forest Practices Authority. 2011

[Land clearing fact sheet](#). Forest Practices Authority. 2016

[Managing Large Woody Debris in Waterways](#). DPIPWE. 2003

[Managing Riparian Vegetation](#). DPIPWE. 2003

Water Management – Dams, water licences bores

[Dam Works Code to Clear Vegetation](#). DPIPWE. 2016

[Division 3 Dam Works Code 2015](#). DPIPWE

[Division 4 Dam Works Code 2015](#). DPIPWE

[Groundwater Information Access Portal](#)

[Under What Authority can I Construct, Modify, Repair or Remove a Dam?](#) DPIPWE. 2016

Weeds

[Tasmanian Weed Handbook: A Guide to the Identification of the Main Weeds of Crops and Pastures in Tasmania](#). Hyde-Wyatt, Brian H, and D. I Morris. 2011. Department of Agriculture, Tasmania

[WeedPlan. Tasmania's Weed Management Strategy. \(Second Edition\)](#). Tasmanian Weed Management Committee. 2005

Weeds Australia website www.weeds.org.au

[Weeds Index - Declared Weeds](#). DPIPWE

Contacts

Aboriginal Heritage Tasmania:

www.aboriginalheritage.tas.gov.au

Ph: 6165 3152

EDO Tasmania:

www.edotas.org.au

Ph: 6223 2770

AgVet Licence Coordinator:

Ph: 1300 368 550

EPBC Assessments Branch:

Ph: 1800 803 772

Biosecurity Tasmania:

www.dpipwe.tas.gov.au/invasive-species/weeds

Ph: 6165 3777

Forest Practices Authority:

www.fpa.tas.gov.au

Ph: 6165 4090

Chemical Spray Incidents Coordinator:

Ph: 6777 2133

Groundwater information:

www.dpipwe.tas.gov.au/water/groundwater

Ph: 6165 3222

Conservation Assessments Section (DPIPWE):

Ph: 6165 4381

Heritage Tasmania:

www.heritage.tas.gov.au

Contaminated Sites Unit:

Ph: 6165 4594

Ph: 1300 850 332

Inland Fisheries Service:

www.ifs.tas.gov.au

Ph: 6165 3808

Land Tasmania:

www.dpipwe.tas.gov.au/land-tasmania/land-titles-office

Ph: 6165 4444

Local Councils:

for contact details for all local councils,

go to www.lgat.tas.gov.au

Mineral Resources Tasmania:

www.mrt.tas.gov.au

Ph: 6165 4800

NRM bodies

Cradle Coast NRM:

www.cradlecoastnrm.com

Ph: 6433 8400

NRM North:

www.nrmnorth.org.au

Ph: 6333 7777

NRM South:

www.nrmsouth.org.au

Ph: 6221 6111

Private Forests Tasmania:

www.pft.tas.gov.au

Ph: 6777 2720

Water Licensing:

Ph: 6165 3019

Get In Touch

Environmental Defenders
Office Tasmania

131 Macquarie Street
Hobart TAS 7000

Phone (03) 6223 2770

www.edotas.org.au
edotas@edotas.org.au



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using the law to protect the natural and built environment