

8.2.3 Biodiversity areas overlay code

8.2.3.1 Application

This code applies to assessable development and accepted development subject to requirements:

- (a) within biodiversity mapping areas identified in the SPP interactive mapping system (plan making); and
- (b) identified as requiring assessment against the Biodiversity areas overlay code by the tables of assessment in Part 5 (Tables of assessment).

The planning scheme exempts existing lawful uses authorised under the *Forestry Act 1959* (including timber harvesting and quarry materials removed) and the *Vegetation Management Act 1999* (a forest practice).

8.2.3.2 Purpose and overall outcomes

The purpose of the Biodiversity areas overlay code is to ensure that:

- areas of environmental significance are protected;
- ecological connectivity is maintained or improved, habitat extent is maintained or enhanced and degraded areas are rehabilitated;
- wetlands and watercourses are protected, maintained, rehabilitated and enhanced.

8.2.3.3 Overall outcomes

The purpose of the code will be achieved through the following overall outcomes:

- development conserves and enhances the Maranoa region's biodiversity values and associated ecosystems;
- development protects and establishes appropriate buffers to native vegetation and significant fauna habitat;
- development protects known populations and the supporting habitat of:
 - (a) endangered, vulnerable and near-threatened flora and fauna species, as listed in the (State) *Nature Conservation Act 1992*, *Nature Conservation (Wildlife) Regulation 2006*;
 - (b) threatened species and ecological communities as listed in the (Commonwealth) *Environment Protection and Biodiversity Conservation Act 1999*;
- development protects environmental values and achieves the prescribed water quality objectives for waterways and wetlands in accordance with the *Environmental Protection (Water and Wetland Biodiversity) Policy 2019*;
- development protects and enhances ecological values and processes within watercourses and wetlands; and
- development provides effective buffering and maintains the physical extent of watercourses and wetlands.

8.2.3.4 Assessment benchmarks

Table 8.2.3.4.1: Benchmarks for accepted development subject to requirements and assessable development

BIODIVERSITY AREAS OVERLAY CODE	
for areas identified in the SPP Biodiversity mapping.	
PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES
ENVIRONMENTAL	
PO 1 Biodiversity (a) Development is located in areas that avoid significant adverse impacts on matters of state environmental significance; (a) facilitates the protection and enhancement of matters of state environmental significance; and, (b) preserves or enhances ecological connectivity.	
PO 2 Protected environment Development retains environments and vegetation described as matters of state environmental significance (MSES), protected under the following legislation: • <i>Nature Conservation Act 1992</i> • <i>Fisheries Act 1994</i> • <i>Environmental Protection Act 1994</i> • <i>Vegetation Management Act 1999</i> • <i>Environmental Offsets Act 2014</i>.	AO 2.1 Development located on sites containing matters of state environmental significance is located outside of those areas of environmental significance and does not result in a significant impact on the relevant environmental values; or Where development occurs within areas of mapped state environmental significance, that development is located, designed and operated to mitigate significant impacts on the relevant environmental values. Note: a report certified by an appropriately qualified person may be required to demonstrate: (a) that the development will not result in significant impacts on relevant environmental values; (b) that a site does not contain any matters of environmental significance, or that the extent of the area of environmental significance is different to that mapped; (c) how the proposed development mitigates impacts, including on water quality, hydrology and biological processes.
Watercourses and wetlands	
PO3 Wetland buffers An adequate buffer to wetlands is provided and maintained to assist in the maintenance of water quality, existing hydrological characteristics, habitat and visual amenity values.	AO 3.1 A wetland buffer is provided and maintained which has a minimum width of: (a) 50 m where the wetland is located within an urban or rural residential zoned area; or (b) 200 m where the wetland is located outside an urban or rural residential zoned area. An alternative wetland buffer may be provided and maintained, the width of which

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES
	is supported by an evaluation of the environmental values and potential threats to the wetland. AO 3.2 Development involving vegetation clearing or high impact earthworks does not occur in a wetland buffer. Editor's note: High impact earthworks has the meaning given in the <i>Planning Regulation 2017</i>.
PO4 Watercourses Development: (a) retains, enhances and maintains the environmental values and functioning of watercourses; (b) provides and maintains adequate vegetated buffers and setbacks to watercourses; (c) maintains and restores connectivity between aquatic habitats and access for fish along watercourses/waterways and into key habitats. Note: In reference to AO 4.3: A rehabilitation plan should include: (a) appropriate rehabilitation and restoration methods for bed/banks and in-stream and watercourse vegetation for watercourses; (b) management measures of weed species; (c) consideration of fauna habitat (including relevant international agreements such as CAMBA, JAMBA and Ramsar); (d) provision of buffers in the form of riparian vegetation and separation by way of the distance between the development and the vegetated buffers; (e) proposed planting regimes (utilising species appropriate to the area); and (f) proposed measures for the protection of vegetation and habitat whilst rehabilitation works are being undertaken.	AO 4.1 A minimum width buffer is provided on either side of a MSES watercourse (Stream Order 1 or 2: 25 m, Stream order 3 or 4: 50 m, Stream order 5 or greater: 100 m). AO 4.2 Development does not involve the removal of native vegetation from a watercourse or watercourse buffer. AO 4.3 Cleared, degraded or disturbed watercourses and watercourse buffer areas within the site are rehabilitated along their full length in accordance with a detailed rehabilitation plan. Note: See adjacent Note. AO 4.4 Site layout does not impact the natural drainage systems associated with the primary watercourse. AO 4.5 Development is undertaken in accordance with an approved environmental management plan that sufficiently protects the watercourse. AO 4.6 All in-stream development works ensure that the movement of fish across watercourse/waterway barriers is catered for and that lateral and longitudinal migrations can be maintained within the whole of the system.
Vegetation retention	
PO 5 Vegetation corridors Existing ecological corridors are protected and where possible enhanced, and have dimensions and characteristics that will: (a) effectively link habitats on and/or adjacent to the development site; (b) facilitate the effective movement of terrestrial or aquatic fauna using the development site as habitat.	AO 5.1 Where development is within a corridor, native vegetation is retained, regenerated and rehabilitated. AO 5.2 Development within an ecological corridor mitigates adverse impacts on native fauna feeding, nesting, breeding and roosting sites and native fauna movements, including (but not limited to):

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES
	(a) ensuring that development (eg. roads, pedestrian access, in-stream structures) during both the construction and operation phases does not create barriers to the movement of fauna along or within ecological corridors; (b) providing wildlife movement infrastructure where necessary and directing fauna to locations where wildlife movement infrastructure has been provided to enable fauna to safely negotiate a development area; (c) separating fauna from potential hazards (eg. through appropriate fencing). Note: Where an ecological corridor is required to facilitate fauna movement, access or use of on-site habitat, the dimensions and characteristics of the ecological corridor will need to be determined by a site-specific ecological assessment.
PO 6 Habitat Development protects the habitat of endangered, vulnerable and near-threatened species and local species of significance.	AO 6.1 Development incorporates siting and design measures to protect and retain identified ecological values and underlying ecosystem processes within or adjacent to the development site. AO 6.2 Other forms of potential human disturbance to these areas, such as the presence of vehicles, pedestrian use, increased exposure to domestic animals, noise and lighting impacts, are avoided, or alternatively, adverse impacts are sufficiently mitigated to retain critical life stage ecological processes (such as feeding, breeding or roosting).