

### 8.2.3. Biodiversity overlay code

#### 8.2.3.1. Application

This code applies to the assessment of development if it is identified as an applicable code for development, as specified in the assessment benchmarks column in the tables of assessment located in Part 5 of the planning scheme.

When using this code, reference should be made to section 5.3.2 and where applicable, section 5.3.3 located in Part 5.

All subject matter in this code is applicable to the development assessment, unless the following circumstance arises:

- (1) The heading of a specific benchmarks for assessment table specifies otherwise; or
- (2) A heading within a specific benchmark for assessment table specifies that the outcomes apply to a specific type of development or to development at a specific location; or
- (3) A performance outcome or acceptable outcome specifies that the outcomes apply to a specific type of development or to development at a specific location.

In the circumstance where point (2) or point (3) above arises the following applies:

- (1) the development assessment outcomes apply only to the type of development specified or only to development at the location specified; and
- (2) the development must still be assessed against all other general subject matter of the code.

For the purpose of this code, any reference to matters of environmental significance is an all-encompassing reference to matters of national environmental significance (MNES), matters of state environmental significance (MSES), and matters of local environmental significance (MLES).

Areas that are known to contain matters of environmental significance or which may contain matters of environmental significance are identified by the series of biodiversity overlays.

The table below provides an outline of the biodiversity overlays and the matters of environmental significance. The table may assist when using this code.

Overlays	Description
<b>Matters of National Environmental Significance (MNES)</b>	
Matters of national environmental significance are protected under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> . Matters of national environmental significance and matters of State environmental significance are generally not located in isolation to each other or other ecological values. There may therefore be MNES located in areas identified on planning scheme overlay maps as MSES. Editor's note: Commonwealth Government internet search tools are available to assist in determining whether MNES are present and whether actions require approval from the relevant federal minister.	
<b>Matter of State Environmental Significance (MSES)</b>	
Declared fish habitat	The overlay identifies State fish habitat areas that are management (A) areas or management (B) areas declared under the <i>Fisheries Act 1994</i> . These areas protect all fish habitats within from adverse impacts which may result from physical disturbance from coastal development. These areas still allow for legal fishing activities.
High ecological significance wetlands	The overlay identifies wetlands in a wetland protection area or wetlands of high ecological significance shown on a map of referable wetlands under the Environmental Protection Regulation 2008.
High ecological value waters (watercourses)	The overlay identifies watercourses in high ecological value waters as defined in the Environmental Protection (Water) Policy 2009.
High ecological value waters (wetlands)	The overlay identifies wetlands in high ecological value waters as defined in the Environmental Protection (Water) Policy 2009.
Marine Park	The overlay identifies State marine parks and zones declared under

	the <i>Marine Parks Act 2004</i> . The marine park may consist of marine national park, marine conservation park, scientific research zone, preservation zones or buffer zones.
Protected Area	The overlay identifies State protected area estates (including all classes of protected area except coordinated conservation areas) declared under the <i>Nature Conservation Act 1992</i> .
Regulated vegetation	The overlay identifies regulated vegetation under the <i>Vegetation Management Act 1999</i> , that is: <ul style="list-style-type: none"> <li>• Category B areas on the regulated vegetation management map that are 'endangered' or 'of concern' regional ecosystems;</li> <li>• Category C areas on the regulated vegetation management map that are 'endangered' or 'of-concern' regional ecosystems;</li> <li>• Category R areas on the regulated vegetation management map;</li> <li>• Regional ecosystems that intersect with wetlands identified on the vegetation management wetlands map.</li> </ul>
Wildlife habitat	The overlay identifies threatened wildlife and areas of essential habitat for wildlife prescribed as endangered or vulnerable under the <i>Nature Conservation Act 1992</i> .
<b>Matters of Local Environmental Significance (MLES)</b>	
Habitat and vegetation	The overlay identifies local environmentally significant habitat and vegetation. These areas may include tracts of native remnant vegetation, vegetation growing on serpentine geology, and other locally identified important vegetation.
Local biodiversity corridors	The overlay identifies local and sub-regional corridors of wildlife habitat in areas of the planning scheme area that are facing urban development pressure. These corridors provide connections which enable the migration of flora and fauna.
Waterways	The overlay identifies local environmentally significant waterways. Values associated with waterways include provision of flora and fauna habitat, and contribution to natural hydrological cycles and surrounding ecosystems.
Wetlands	The overlay identifies local environmentally significant wetlands. Values associated with wetlands include provision of flora and fauna habitat, and contribution to natural hydrological cycles and surrounding ecosystems.

#### 8.2.3.2. Purpose

The purpose of the biodiversity overlay code is to identify, protect, enhance and rehabilitate areas containing matters of environmental significance and the ecological processes and biodiversity values of terrestrial and aquatic ecosystems.

#### 8.2.3.3. Overall outcomes

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

- (1) matters of environmental significance and corridors which link them are identified, protected, enhanced and rehabilitated to maintain ecological processes and biodiversity;
- (2) nature corridors or links are maintained and where appropriate, rehabilitated and expanded to support:
  - (a) the natural movement and proliferation of native species;
  - (b) ecological responses to climate change;
  - (c) the maintenance of large scale migratory lifecycle processes; and

- (d) connectivity between significant habitat areas and areas of remnant vegetation;
- (3) development does not cause significant adverse impacts on areas containing matters of environmental significance, by appropriately addressing impacts on issues including but not limited to the following:
  - (a) species or habitat loss or disturbance, including terrestrial and aquatic wildlife corridors;
  - (b) soil degradation, pollution, erosion, contamination, acidification or salinization;
  - (c) modification to natural processes; and
  - (d) reduction in water quality, ecological values and the natural hydrological regimes of surface and ground waters;
- (4) development maintains or increases the resilience of ecosystems and wildlife habitats to threatening processes, including the impacts of climate change;
- (5) development facilitates land tenure and other management arrangements for the long-term conservation of environmentally significant areas, ecological processes and biodiversity values;
- (6) corridors and associated buffers have dimensions which suitably provide for:
  - (a) movement of native fauna;
  - (b) viable habitat areas;
  - (c) minimisation of edge effects;
  - (d) maintenance of the hydrological functions of waterways or wetlands;
  - (e) appropriate access for sustainable recreation; and
  - (f) any additional maintenance and bushfire setback functions to be located outside the areas required for ecological purposes; and
- (7) fragmentation of existing habitat areas is minimised, particularly where it impacts on the future health of populations of native fauna and flora species.

#### 8.2.3.4. Specific benchmarks for assessment

**Table 8.2.3.4.1 — Outcomes for assessable development**

Performance outcomes	Acceptable outcomes
<b>Land use</b>	
<b>PO1</b> In areas identified as having matters of environmental significance, all uses are located, designed and operated to: <ul style="list-style-type: none"> <li>(a) retain and protect significant environmental values; and</li> <li>(b) maintain the underlying ecological functions and biophysical processes of the site and surrounds.</li> </ul>	No acceptable outcome is nominated.  Editor's note: Schedule SC7.5 identifies the primary attributes included in areas containing matters of State environmental significance. Site-specific investigation will be required to confirm the extent and nature of values indicated on the overlay map.
<b>Native vegetation and habitat</b>	
<b>PO2</b> Development retains and regenerates native vegetation in such a way as to: <ul style="list-style-type: none"> <li>(a) retain vegetation that is in patches of greatest size and smallest possible edge-to-area ratio;</li> <li>(b) maximise the linkages between vegetation located on the subject site;</li> <li>(c) maximise linkages between vegetation</li> </ul>	No acceptable outcome is nominated.

Performance outcomes	Acceptable outcomes
<p>located on adjacent properties within the biodiversity network;</p> <p>(d) allow the dispersal or movement through biodiversity corridors; and</p> <p>(e) protect riparian vegetation in and adjacent to watercourses.</p> <p>Editor's note: Council may adopt an offsets planning scheme policy for matters of local environmental significance at a future date.</p> <p>Editor's note: Development applications proposed in areas identified as having matters of environmental significance that prepare all relevant material in accordance with Schedule SC7.5 Environmental Management Planning Scheme Policy, will assist in demonstrating achievement of these performance outcomes.</p>	
<p><b>PO3</b></p> <p>Development retains, protects and enhances areas of habitat that support a critical life stage in ecological process such as feeding, breeding or roosting for the identified species.</p> <p>Editor's note: Council may adopt an offsets planning scheme policy for matters of local environmental significance at a future date.</p> <p>Editor's note: Development applications lodged with Council must identify all species listed that are present within or adjacent to the premises and habitats that may be affected by the proposal. In particular applications are to identify and describe how the development protects or enhances wildlife habitat at any critical life stage ecological processes within or adjacent to the development area. This should be reflected in an ecological assessment report prepared in accordance with the Schedule SC7.5.</p>	<p>No acceptable outcome is nominated.</p>
<p><b>PO4</b></p> <p>Development protects existing biodiversity corridors and assists in the establishment of new corridors which have adequate dimensions and characteristics to support:</p> <p>(a) unimpeded movement of terrestrial and aquatic fauna that are associated with or are likely to use the biodiversity corridor as part of their normal life cycle evolutionary and genetic processes;</p> <p>(b) the natural change in distributions of species and connectivity between populations of species over long periods of time;</p> <p>(c) ecological responses to climate change;</p> <p>(d) maintenance of large scale seasonal/ migratory species processes and movement of fauna;</p> <p>(e) connectivity between large tracts and patches of native remnant vegetation and habitat areas; and</p> <p>(f) effective and continuous movement of</p>	<p><b>AO4.1</b></p> <p>Development involving roads, pipelines, pedestrian access and in-stream structures:</p> <p>(a) does not create barriers to the movement of fauna (including fish passage) along or within biodiversity corridors; or</p> <p>(b) provides effective wildlife movement infrastructure in accordance with best practice which:</p> <p>(i) enables fauna to safely negotiate a development area; and</p> <p>(ii) separates fauna from potential hazards through the use of appropriate fencing.</p> <p><b>AO4.2</b></p> <p>Development ensures that biodiversity corridors have a sufficient width to protect habitat, minimise impacts from adjoining land use, and to enhance connectivity in accordance with the following:</p> <p>(a) regional corridors retain a width of at least</p>

Performance outcomes	Acceptable outcomes
terrestrial and aquatic fauna.	five-hundred (500) metres; and (b) local corridors retain a width of at least fifty (50) metres.
<b>Wetlands and waterways</b>	
<b>PO5</b> Development retains waterways and wetlands and avoids impacts on: <ul style="list-style-type: none"> <li>(a) native riparian vegetation;</li> <li>(b) habitat;</li> <li>(c) ecological functions;</li> <li>(d) water quality; and</li> <li>(e) nature conservation values.</li> </ul>	<b>PO5.1</b> A buffer surrounding a waterway or wetland is established and maintained free of development, the width of which is supported by an evaluation of the environmental values and functions and threats to matters of State or local environmental significance.  Editor's note: The Queensland wetland buffer guideline, Department of Environment and Heritage, 2011 should be referred to when planning detailed buffer design to position development, determine any alternative buffer widths, and establish operating measures that avoid adverse impacts on a wetland.
<b>PO6</b> Development does not cause land degradation near a waterway or wetland, including: <ul style="list-style-type: none"> <li>(a) mass movement, gully erosion, rill erosion, sheet erosion, tunnel erosion, stream bank erosion, wind erosion, or scalding; and</li> <li>(b) loss or modification of chemical, physical or biological properties or functions of soil.</li> </ul>	<b>AO6.1</b> Native vegetation is retained or where retention is unavoidable, it is reinstated within riparian areas and buffer areas.  <b>AO6.2</b> Foreshore areas are fenced to prevent stock access.  <b>AO6.3</b> Riparian areas are fenced to limit stock access to a limited number of watering holes.
<b>All matters of environmental significance</b>	
<b>PO7</b> All matters of environmental significance are identified and protected from significant adverse impacts associated with development.  Editor's note – Council may adopt an offsets planning scheme policy for matters of local environmental significance at a future date.	No acceptable outcome is nominated.
<b>Hydrology</b>	
<b>PO8</b> Development enhances or maintains the existing surface water hydrological regime of all areas containing matters of environmental significance.	No acceptable outcome is nominated.
<b>PO9</b> Development: <ul style="list-style-type: none"> <li>(a) enhances or maintains the existing groundwater hydrological regime of all areas containing matters of environmental significance;</li> <li>(b) ensures that the water table and hydrostatic pressure in the area of environmental</li> </ul>	No acceptable outcome is nominated.

Performance outcomes	Acceptable outcomes
<p>significance is returning to its natural state; and</p> <p>(c) does not result in ingress of saline water into freshwater aquifers.</p>	
<b>Ongoing management, construction and operation</b>	
<p><b>PO10</b></p> <p>During the construction and operation of development, ongoing management, monitoring and maintenance is undertaken to ensure impacts on environmentally significant areas, biodiversity values and ecological processes, including water quality and hydrology, are avoided or minimised.</p>	No acceptable outcome is nominated.
<p><b>PO11</b></p> <p>Development transfers into public ownership, or incorporates within a voluntary statutory covenant registered under the <i>Land Title Act 1994</i>, any land required for public access or for some other public purpose consistent with its ecological functions, including:</p> <p>(a) access for maintenance;</p> <p>(b) linking core and remnant habitat areas; and</p> <p>(c) land protecting water quality and ecological processes.</p>	No acceptable outcome is nominated.
<b>Rehabilitation</b>	
<p><b>PO12</b></p> <p>Areas degraded as a result of development are rehabilitated by the proponent as near as is practicable to the naturally occurring local native plant species and ecological communities.</p> <p>Editor's note: A rehabilitation plan supported by expert ecological advice prepared in accordance with Schedule SC7.5 will assist in demonstrating achievement of this performance outcome.</p>	No acceptable outcome is nominated.
<b>Vegetation clearing</b>	
<p><b>PO13</b></p> <p>Development avoids indiscriminate and unnecessary clearing of vegetation in order to protect:</p> <p>(a) the visual integrity of the natural landscape;</p> <p>(b) ecological features and processes that underpin biodiversity.</p>	<p><b>AO13.1</b></p> <p>Vegetation clearing:</p> <p>(a) does not occur; or</p> <p>(b) where it cannot be avoided, is carried out in accordance with the Development Works Code.</p>
<p><b>PO14</b></p> <p>Development retains and protects locally significant species, including but not limited to the following:</p> <p>(a) <i>Cycas ophiolitica</i>;</p> <p>(b) <i>Byfield Fern</i>;</p> <p>(c) <i>Stackhousia tryonii</i>; and</p> <p>(d) <i>Koala</i>.</p>	No acceptable outcome is nominated.

Performance outcomes	Acceptable outcomes
<b>If reconfiguring a lot</b>	
<p><b>PO15</b></p> <p>The ecological function and biodiversity values of existing vegetation and habitat are maintained by ensuring that reconfiguring a lot in areas containing matters of environmental significance does not result in significant adverse impacts on the values present.</p> <p>Editor's note – Council may adopt an offsets planning scheme policy for matters of local environmental significance at a future date.</p> <p>Editor's note: Development applications proposed in areas identified as having matters of environmental significance that prepare all relevant material in accordance with Schedule SC7.5 Environmental Management Planning Scheme Policy, will assist in demonstrating achievement of these performance outcomes.</p>	<p><b>AO15.1</b></p> <p>Reconfiguring a lot does not result in the following:</p> <ul style="list-style-type: none"> <li>(a) the creation of additional lots within areas mapped as containing matters of environmental significance; or</li> <li>(b) the creation of new lots adjoining areas mapped as containing matters of environmental significance of less than ten (10) hectares.</li> </ul>
<p><b>PO16</b></p> <p>Reconfiguring a lot incorporates a buffer to areas containing matters of environmental significance in accordance with minimum best practice standards and the buffer area has characteristics to minimise development impacts on the values present.</p> <p>Editor's note: The Queensland wetland buffer guideline, Department of Environment and Heritage, 2011 should be referred to when planning detailed buffer design to position development, determine any alternative buffer widths, and establish operating measures that avoid adverse impacts on a wetland.</p>	<p>No acceptable outcome is nominated.</p>

## 8.2.4. Bushfire hazard overlay code

### 8.2.4.1. Application

This code applies to the assessment of development if it is identified as an applicable code for development, as specified in the assessment benchmarks column in the tables of assessment located in Part 5 of the planning scheme.

When using this code, reference should be made to section 5.3.2 and where applicable, section 5.3.3 located in Part 5.

All subject matter in this code is applicable to the development assessment, unless the following circumstance arises:

- (1) The heading of a specific benchmarks for assessment table specifies otherwise; or
- (2) A heading within a specific benchmark for assessment table specifies that the outcomes apply to a specific type of development or to development at a specific location; or
- (3) A performance outcome or acceptable outcome specifies that the outcomes apply to a specific type of development or to development at a specific location.

In the circumstance where point (2) or point (3) above arises the following applies:

- (1) the development assessment outcomes apply only to the type of development specified or only to development at the location specified; and
- (2) the development must still be assessed against all other general subject matter of the code.

Editor's note—The bushfire hazard area is a natural hazard area for the purpose of State Planning Policy. Within this area, susceptibility to bushfire has been identified. The area identified in the bushfire hazard overlay maps may not reflect the full extent of the area that may be affected by bushfire.

### 8.2.4.2. Purpose

The purpose of the bushfire hazard overlay code is to ensure that development in bushfire prone areas does not increase risk to life, property, community, economic activity and the environment during bushfire events.

### 8.2.4.3. Overall outcomes

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

- (1) development is located where bushfire hazard risk to personal safety and property is avoided or minimised and mitigated to acceptable levels;
- (2) highly vulnerable and community uses are not located in bushfire hazard areas;
- (3) vegetation which is identified as matters of State or local environmental significance is not cleared to achieve bushfire hazard minimisation;
- (4) natural processes and the protective function of landforms and vegetation are maintained in bushfire hazard areas;
- (5) access is provided for safe entry and exit requirements for residents during bushfire events;
- (6) development provides for the efficient operational requirements of fire fighters during bushfire events;
- (7) development is provided with adequate water supply and fittings for fire-fighting vehicles, and access arrangements for fire fighters;
- (8) emergency services facilities are located and designed to function effectively during and after a bushfire;
- (9) development does not create an unacceptable burden on disaster management response or recovery capacity and capabilities; and
- (10) development avoids the storage of hazardous materials in a bushfire hazard area.

Editor's note—For building assessment provisions, the bushfire hazard (bushfire prone) areas defined by the planning scheme overlays are designated to be the bushfire prone area for the purposes of the National Construction Code.