### Biodiversity areas overlay code[[1]](#footnote-1) [[2]](#footnote-2)

#### Application

This code applies to development:-

1. subject to biodiversity areas identified in the SPP interactive mapping system or on premises otherwise determined to contain areas of environmental significance; and
2. identified as requiring assessment against the Biodiversity areas overlay code by the tables of assessment in **Part 5 (Tables of assessment)**.

#### Purpose and overall outcomes

1. The purpose of the Biodiversity areas overlay code is to ensure that:-
   1. areas of environmental significance are protected;
   2. ecological connectivity is maintained or improved, habitat extent is maintained or enhanced and degraded areas are rehabilitated;
   3. wetlands and watercourses are protected, maintained, rehabilitated and enhanced;
2. The purpose of the code will be achieved through the following overall outcomes:-
   1. development conserves and enhances the Bundaberg region’s biodiversity values and associated ecosystem services;
   2. development is not located in an ecologically important area, unless:-
      1. there is an overriding need for the development in the public interest;
      2. there is no feasible alternative; and
      3. any adverse impacts incurred are minimised and, where appropriate to the circumstances, compensated by ecological improvements elsewhere that result in a net gain and enhancement to the overall habitat values of the Bundaberg Region.
   3. development protects and establishes appropriate buffers to native vegetation and significant fauna habitat;
   4. development protects known populations and supporting habitat of:-
      1. endangered, vulnerable and near threatened flora and fauna species, as listed in the (State) *Nature Conservation Act 1992*, *Nature Conservation (Wildlife) Regulation 2006;*
      2. threatened species and ecological communities as listed in the (Commonwealth) *Environment Protection and Biodiversity Conservation Act 1999*;
   5. development protects environmental values and achieves the prescribed water quality objectives for waterways and wetlands in accordance with the *Environmental Protection Policy (Water) 2009*;
   6. development protects and enhances the ecological values and processes, physical extent and buffering of watercourses and wetlands.

#### Specific benchmarks for assessment

Table 8.2.4.3.1 Benchmarks for assessable development

| **Performance outcomes** | **Acceptable outcomes** | **Compliance / Representations** |
| --- | --- | --- |
| ***Protection of matters of environmental significance*** | |  |
| **PO1**  Development avoids significant impacts on, areas of environmental significance, unless there is an overriding need for the development in the public interest and there is no feasible alternative. | **AO1**  Development is located outside of areas of environmental significance and will not result in a significant impact on the relevant environmental values.  **OR**  The development site does not contain any matters of environmental significance.  Editor’s note—a report certified by an appropriately qualified person may be required to demonstrate:-   1. that the development will not result in significant impacts on relevant environmental values; 2. 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; 3. how the proposed development mitigates impacts, including on water quality, hydrology and biological processes. | Provide a brief description how your proposal complies with the relevant Acceptable outcome (if applicable) or a detailed analysis how compliance is achieved with the Performance outcome. |
| **PO2**  Development is located, designed and operated to mitigate significant impacts on the relevant environmental values. | **AO2**  No acceptable outcome provided. | Click and provide your representations. |
| **PO3**  Development avoids the introduction of non-native pest species (plant or animal) that pose a risk to ecological integrity, and manages existing pest species.  Editor’s note—Pest species may need to be controlled by adopting pest management practices that provide for long-term ecological integrity. | **AO3**  No acceptable outcome provided. | Click and provide your representations. |
| ***Development adjacent to a wetland*** | |  |
| **PO4**  An adequate buffer to a wetland is provided and maintained to assist in the maintenance of water quality, existing hydrological characteristics, habitat and visual amenity values. | **AO4.1**  A wetland buffer is provided and maintained which has a minimum width of:-   1. 50m where the wetland is located within an urban or rural residential zoned area; or 2. 200m where the wetland is located outside an urban or rural residential zoned area.   Editor’s note – Where an alternative wetland buffer is proposed, an evaluation of the environmental values, functioning and threats to matters of environmental significance may be required to justify the proposed width of the buffer.  **AO4.2**  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 *Planning Regulation 2017*. | Click and provide your representations. |
| ***Improving ecological corridors and expanding habitat extent of ecological corridors*** | |  |
| **PO5**  Existing ecological corridors are protected, and where possible enhanced, and have dimensions and characteristics that will:-   1. effectively link habitats on and/or adjacent to the development site; 2. facilitate the effective movement of terrestrial and aquatic fauna accessing and/or using the development site as habitat.   Editor’s note—ecological corridors are identified conceptually on **Strategic Framework Map SFM-004 (Natural environment and landscape character elements)**, | **AO5**  Development retains, regenerates and rehabilitates native vegetation within a corridor.  Editor’s 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. | Click and provide your representations. |
| **PO6**  Development near an ecological corridor mitigates adverse impacts on native fauna feeding, nesting, breeding and roosting sites and native fauna movements, including (but not limited to):-   1. ensuring that development (e.g. roads, pedestrian access, in-stream structures) during both the construction and operation phases does not create barriers to the movement of fauna into, along or within ecological corridors; 2. 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; and 3. separating fauna from potential hazards (e.g. through appropriate fencing). | **AO6**  No acceptable outcome provided. | Click and provide your representations. |
| ***Impact on habitat of threatened species*** | |  |
| **PO7**  Development protects the habitat of endangered, vulnerable and near threatened species and local species of significance, including by incorporating siting and design measures to protect and retain identified ecological values and underlying ecosystem processes within or adjacent to the development site. | **AO7**  No acceptable outcome provided. | Click and provide your representations. |
| **PO8**  Human disturbance, such as presence of vehicles, pedestrian use, increased exposure to domestic animals, noise and lighting impacts, are avoided or adverse impacts sufficiently mitigated to retain critical life stage ecological processes (such as feeding, breeding or roosting). | **AO8**  No acceptable outcome provided. | Click and provide your representations. |
| ***Buffering and protection of watercourses*** | |  |
| **PO9**  Development:-   1. retains, enhances and maintains the environmental values and functioning of watercourses; 2. provides and maintains adequate vegetated buffers and setbacks to watercourses; 3. maintains and restores connectivity between aquatic habitats and access for fish along watercourses/waterways and into key habitats. | **AO9.1**  Development is not located within a watercourse buffer.  Editor’s note—watercourse buffer distances on either side of a mapped watercourse are 50m in an urban or rural residential zoned area or for a stream order 1 or 2 and 100m elsewhere.  **AO9.2**  Development does not involve the removal of native vegetation from a watercourse or watercourse buffer.  **AO9.3**  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, approved by the Council.  Note—a rehabilitation plan should include:-   1. appropriate rehabilitation and restoration methods for bed/banks and in-stream and watercourse vegetation for watercourses; 2. management measures of weed species; 3. consideration of fauna habitat (including relevant international agreements such as CAMBA, JAMBA and Ramsar); 4. provision of buffers in the form of riparian vegetation and separation by way of distance between the development and the vegetated buffers; 5. proposed planting regimes (utilising species appropriate to the area); 6. proposed measures for the protection of vegetation and habitat whilst rehabilitation works are being undertaken.   **AO9.4**  Development is undertaken in accordance with an approved environmental management plan that protects the watercourse. | Click and provide your representations. |
| **PO10**  All in-stream development works ensures that 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. | **AO10**  No acceptable outcome provided. | Click and provide your representations. |
| **PO11**  Bank stability, channel integrity and in-stream habitat is protected from degradation and maintained or improved at a standard commensurate with pre-development environmental conditions. | **AO11**  No direct interference or modification of watercourse channels, banks or riparian and in-stream habitat occurs. | Click and provide your representations. |
| **PO12**  Development ensures that the natural surface water and groundwater hydrologic regimes of watercourses and associated buffers are maintained to the greatest extent possible. | **AO12**  Existing natural flows of surface and groundwater are not altered through channelization, redirection of interruption of flows. | Click and provide your representations. |
| **PO13**  Development on land adjacent to a watercourse maintains an appropriate extent of public access to watercourses and minimises edge effects. | **AO13**  Development adjacent to a watercourse provides that:-   1. no new lots directly back onto the riparian area; and 2. any new roads are located between the watercourse buffer and the proposed development areas. | Click and provide your representations. |

1. Editor’s note—biodiversity areas are identified as Matters of State Environmental Significance (MSES) in the SPP interactive mapping system under the ‘Environment and heritage’ theme, subsection ‘Biodiversity’, and include protected areas, wildlife habitat, regulated vegetation, marine parks, declared fish habitat areas, wetlands, watercourses and associated buffer areas. [↑](#footnote-ref-1)
2. Editor’s note—buffer areas for Matters of State Environmental Significance (MSES) are not identified in the SPP interactive mapping system, but are identified as areas within a specified distance from a mapped wetland or watercourse. [↑](#footnote-ref-2)