

8.2.2 Biodiversity areas overlay code

8.2.2.1 Application

This code applies to assessing material change of use, reconfiguring a lot or operational works development applications where for development is within areas with matters of state environmental significance as identified on the **Biodiversity areas overlay maps (OM-002)** contained in Schedule 2 and identified as requiring assessment against the **Biodiversity areas overlay code** by the tables of assessment in Part 5.

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

8.2.2.2 Purpose

- (1) The purpose of the Biodiversity areas overlay code is to ensure that matters of state environmental significance are identified and protected.
- (2) The purpose of the Biodiversity areas overlay code will be achieved through the following overall outcomes:
 - (a) the biodiversity values, ecosystem services and climate change resilience of areas of ecological significance are protected, managed and enhanced;
 - (b) the biodiversity values of matters of state environmental significance are protected from development unless overriding community need is demonstrated;
 - (c) Development manages impacts on matters of state environmental significance (MSES) to avoid impacts on environmental values;
 - (d) Matters of state environmental significance are managed to minimise biodiversity losses;
 - (e) development enhances the health and resilience of ecological systems and supports ecological connectivity.

8.2.2.3 Assessment benchmarks

Part A - Criteria accepted and assessable development

Table 8.2.2.1 - Biodiversity areas overlay code

Performance outcomes	Acceptable outcomes
For accepted, accepted subject to requirements and assessable development (code, code (fast tracked) and impact)	
MSES- Regulated Vegetation	
<p>Where within a Rural or Rural Residential Area PO1 The biodiversity values of areas mapped as matters of environmental significance (MSES) on the Biodiversity areas overlay maps (OM-002) are managed to ensure the negative impacts of development are minimised.</p> <p>Note- A supporting Ecological Site Assessment is prepared in accordance with SC6.2 - Planning Scheme Policy 2 – Ecological Site Assessment Guidelines.</p>	<p>Where within a Rural or Rural Residential Area AO1.1 <i>Buildings and structures</i> are not located within areas mapped as having matters of state environmental significance (MSES) on the Biodiversity areas overlay maps (OM-002).</p> <p>AO1.2 No clearing of native vegetation is undertaken within areas mapped as having matters of state environmental significance (MSES) on the Biodiversity areas overlay maps (OM-002).</p>

Performance outcomes	Acceptable outcomes
For assessable development (code, code (fast tracked) and impact)	
MSES - High Ecological Significance Wetlands, wildlife habitat and protected areas	
<p>PO3 Vegetation clearing in areas mapped as matters of state environmental significance (MSES) is avoided unless:</p> <ul style="list-style-type: none"> a) it is demonstrated that the area does not support matters of state environmental significance (MSES) as mapped, or if determined to be matters of state environmental significance (MSES), is treated in accordance with the relevant provisions of the overlay code; or b) the loss or reduction in matters of state environmental significance (MSES) is for <i>community infrastructure</i>, or any purpose associated with an Airport, or extractive resources in a key resource area; and c) the loss or reduction in matters of state environmental significance (MSES) is minimised and any residual impacts are offset. <p>Note- A supporting Ecological Site Assessment is prepared in accordance with SC6.2 - Planning Scheme Policy 2 – Ecological Site Assessment Guidelines.</p>	<p>AO3.1 <i>Buildings and structures</i> are not located within areas mapped as having matters of state environmental significance (MSES) on the Biodiversity areas overlay maps (OM-002).</p> <p>AO3.2 No clearing of native vegetation is undertaken within areas mapped as having matters of state environmental significance (MSES) on the Biodiversity areas overlay maps (OM-002).</p>
<p>Where in an Urban Area PO4 Management arrangements facilitate the ongoing conservation and protection of nature conservation and biodiversity areas within the Urban Area identified on Settlement Pattern Strategic Plan Maps (SFM-001 to SFM-001.4).</p> <p>Note- A supporting Ecological Site Assessment is prepared in accordance with SC6.2 - Planning Scheme Policy 2 – Ecological Site Assessment Guidelines.</p>	<p>Where in an Urban Area AO4 Areas that support matters of state environmental significance (MSES) identified on Biodiversity areas overlay maps (OM-002) are:</p> <ul style="list-style-type: none"> (a) dedicated as public open space for purposes consistent with the ecological values and functions of the area where for <i>Reconfiguring a Lot</i>; or (b) included within a voluntary statutory covenant for purposes consistent with the ecological values and functions of the area where for <i>Reconfiguring a Lot</i> or <i>Material Change of Use</i>.

Performance outcomes	Acceptable outcomes
Buffering and Edge Effects	
<p>PO5 Development on sites adjacent to areas of matters of state environmental significance (MSES) protects the biodiversity values of matters of state environmental significance (MSES) and:</p> <ul style="list-style-type: none"> (a) does not interrupt, interfere, alter or otherwise impact on underlying natural ecosystem processes such as water quality, hydrology, geomorphology and biophysical processes; (b) avoids noise, light, vibration or other edge affects, including weed and pest incursion on identified biodiversity values. <p>Note- A supporting Ecological Site Assessment is prepared in accordance with SC6.2 - Planning Scheme Policy 2 – Ecological Site Assessment Guidelines.</p>	<p>Where for Material Change of Use AO5.1 A minimum buffer of 50 metres is provided between <i>buildings</i> and <i>structures</i> and areas mapped as having matters of state environmental significance (MSES) on the Biodiversity areas overlay maps (OM-002).</p> <p>Where for Reconfiguring a Lot AO5.2 A minimum buffer of 50 metres is provided between a new boundary created by <i>reconfiguring a lot</i> and areas mapped as having matters of state environmental significance (MSES) on the Biodiversity areas overlay maps (OM-002).</p> <p>Where for Operational Works (comprising works for infrastructure or excavating or filling or landscape works) AO5.3 A minimum buffer of 50 metres is provided between <i>operational works</i> and areas mapped as having matters of state environmental significance (MSES) on the Biodiversity areas overlay maps (OM-002).</p>
<p>PO6 Unimpeded movement of fauna within and through the site via state and regional corridors identified on Biodiversity areas overlay maps (OM-002) are maintained.</p> <p>Note- A supporting Ecological Site Assessment is prepared in accordance with SC6.2 - Planning Scheme Policy 2 – Ecological Site Assessment Guidelines.</p>	<p>AO6 Where within a Biodiversity Corridor identified on Strategic Plan Natural Environment (SPM - 002), fauna movement is maintained by:</p> <ul style="list-style-type: none"> (a) retaining bands of vegetation at least 200 metres wide on a site; and (b) <i>buildings, structures</i> are not located within retained vegetation bands.