

BIODIVERSITY / NATURE CONSERVATION CODE

1 Purpose of the Code

To ensure that local and regional biodiversity and scenic values are protected and enhanced through:

- protecting the habitat of rare and threatened, and endemic species; and
- protecting areas with National and International ecological significance; and
- maintaining and rehabilitating vegetation corridors that link major habitats; and
- protecting natural ecological processes; and
- protecting areas in their natural state that contribute to scenic amenity and values.

2 Application of the Code

There are no Secondary Codes to this Code. This Code is applicable to certain types of development on land within or adjacent to environmentally sensitive locations as shown on Planning Scheme Map 4.

3 Definitions

Biodiversity means the variability among living organisms from all sources (including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part) and includes:

- diversity within a species and between species; and
- diversity of ecosystems.

Ecological corridors means an area of land and/or water, including areas above and below ground, which function to:

- allow wildlife movement between habitat areas; and
- provide wildlife habitat and refuges; and
- provide habitat connectivity; and
- support the maintenance of biodiversity; and
- support the maintenance of biological processes.

Edge Effect means adverse effects on the biodiversity values and ecological processes of habitat areas, caused by incompatible adjacent land uses/activities, e.g. invasive garden weeds, dogs and cats preying on native wildlife, stormwater run-off, rubbish dumping, light, noise and vandalism.

Endemic species means native species of plant and animal that are found or where found naturally in an area.

Environmentally As defined in section 3.7 of this planning scheme.



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Sensitive Location

Habitat As defined in section 3.7 of this planning scheme.

Remnant Native Vegetation Means Remnant Vegetation as shown on Planning Scheme Map 4.

4 Explanation

This code outlines the desired outcomes for areas with ecological values. It may be applied to a range of development within or near important ecological areas within Rockhampton City.

5 Performance Criteria and Acceptable Solutions

Performance Criteria	Acceptable Solutions
<p>P1 The ecological values of an environmentally sensitive location are protected or enhanced from the possible adverse impacts of development.</p> <p><i>Note: This can be achieved by carrying out development in accordance with an approved Environmental Management Plan (EMP)¹ which includes:</i></p> <ul style="list-style-type: none"> <i>(i) identification of the processes threatening the area to be protected; and</i> <i>(ii) a design that is site specific to minimise the impact of threatening processes and which encompasses the area over which each separate threat operates; and</i> <i>(iii) measures to</i> 	<p>A1 No Acceptable Solution specified.</p>

¹ In this instance, the EMP must be supported by an Ecological Report prepared and approved concurrently with the EMP, identifying all ecological attributes and values of the site in addition to the potential impacts (with the necessary mitigation and rehabilitation measures) as set out in **Planning Scheme Policy No. 1 - Preparation of Ecological Assessment Reports and Environmental Management Plans.**



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Performance Criteria		Acceptable Solutions	
	<i>reduce threatening processes.</i>		
P2 Development maintains, enhances or contributes to the existence of viable and functional; (a) networks of ecological corridors; and (b) significant habitats	A2.1	There is no clearance or damage to remnant native vegetation, waterways or wetlands.	
	A2.2.1	OR The location, size and shape of an area of remnant native vegetation after any works are completed or a use commences, preserves the ecology of the retained native vegetation as an ecosystem and any connectivity with other areas that originally existed to or from it.	
	A2.2.2	AND Remnant native vegetation to be preserved is identified as a "no-go" area within the site boundaries when works are being carried out where development must not occur.	
	A2.2.3	AND There is no fragmentation within the site of remnant native vegetation, wetlands and waterways, caused by the development.	
	A2.2.4	AND The areas of the highest habitat significance within the site ² (including habitat features such as old and large dead trees), are retained and protected where they do not pose safety problems to people or property and are included in open space areas or vegetated buffers.	
	A2.2.5	AND The location of buildings, structures or infrastructure is on that part of each site which is in; (i) an already cleared area, or (ii) a disturbed area with little potential for rehabilitation, or (iii) an area dominated by weeds; or (iv) an area furthest in distance within the site from ecological corridors.	
	A2.2.6	AND Buildings, structures and associated infrastructure are not located in remnant native vegetation that is to be preserved, waterways or wetlands.	
A2.2.7	AND Buildings, structures and associated infrastructure are not located in remnant native vegetation that is to be preserved, waterways or wetlands.		



² Every site will be different and the areas of the highest habitat significance would be determined by an Ecological Assessment Report prepared in accordance with Council's Planning Policy No. 6.1 : Preparation of Ecological Assessment Reports and Environmental Management Plans.



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Performance Criteria	Acceptable Solutions
	<p>AND Development in or within 10 metres of an ecological corridor³ does not involve the removal of vegetation in the corridor, or involves the rehabilitation of any degraded vegetation in the ecological corridor.</p> <p>AND Development dedicates land to create elements of a coordinated network or links between remnant native vegetation, wetlands and waterways. Linkages between these are free of motor vehicle crossings and other infrastructure.</p>
<p>P3 The scenic, visual and amenity values of the landscape and the scientific, recreation and tourism values of the land are maintained when development is located in; (a) any Rural Area; or (b) any Environmental Protection Area; or (c) the Parkhurst Future (Post 2015) Residential Area.</p>	<p>A3 No Acceptable Solution specified.</p>
<p>P4 The ecological values and natural processes of Rockhampton's waterways (the Fitzroy River, wetlands and major urban creeks) are protected.</p>	<p>A4.1 Development of land adjacent to waterways incorporates the dedication to the crown of all land contained within the waterway corridor for public access, drainage and /or ecological processes;</p> <p>A4.2 AND Development of land adjacent to the Fitzroy River provides a setback between the development and the Fitzroy River in accordance with the Department of Primary Industries Fish Habitat Guideline FHG003 called <i>Fish Habitat Buffer Zones, August 2000</i> being⁴; (i) a minimum of 100 metres to the level of the Highest Astronomical Tide in tidal areas; or (ii) a minimum of 50 metres in freshwater habitats.</p> <p>A4.3</p>

³ An ecological corridor on or adjacent to a site where development is proposed would be determined by an Ecological Assessment Report prepared in accordance with Council's Planning Policy No. 6.1 : *Preparation of Ecological Assessment Reports and Environmental Management Plans.*

⁴ When the setbacks mentioned in (i) or (ii) are unable to be met when the size of the allotment (due to its depth) and the size of the proposed development do not allow them, then Council will give consideration to a distance less than, but as close as reasonably possible, to (i) or (ii) below.

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	<p>AND Subdivisions adjacent to waterways that require internal roads to be created locate those roads between the riparian corridor and any new allotments created⁵.</p>
<p>P5 Development layout, planning and construction minimises impacts on the edges of native vegetation (edge effects) as a result of:</p> <p>(a) garden plants that are potential bushland weeds; and</p> <p>(b) domestic animals that could prey on native wildlife; and</p> <p>(c) rubbish dumping that could cause pollution of habitat or pose a risk to wildlife that may forage rubbish for food; and</p> <p>(d) light pollution that may pose a risk to wildlife, in particular nocturnal wildlife; and</p> <p>(e) noise pollution that may pose a risk to wildlife; and</p> <p>(f) vandalism that may pose a risk to native vegetation and wildlife.</p> <p><i>Note: An assessment against this Performance Criterion would require an Environmental Management Plan to be developed in accordance with Planning Scheme Policy No. 1 - Preparation of Ecological Assessment Reports and</i></p>	<p>A5.1 Open space separation or buffering of at least 30 metres is provided between the boundary of remnant native vegetation and any land use other than Park.</p> <p>A5.2 AND Landscaping involves the use of native species typical of the particular ecosystem.</p> <p>A5.3 AND Residential development adjacent to remnant native vegetation, wetlands or waterways incorporate fencing on the boundaries used to contain domestic animals on the residential site⁶.</p>

⁵ Where development involves interference with a waterway or wetland or is located within a waterway corridor, development is to be carried out in accordance with an approved Environmental Management Plan developed in accordance with **Planning Scheme Policy 1 - Preparation of Ecological Assessment Reports and Environmental Management Plans**.

⁶ This measure is to protect native wildlife

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Performance Criteria	Acceptable Solutions
<p>Environmental Management Plans that identifies any measures determined to be necessary and implemented to mitigate the effects of, and control, edge effects.</p>	
<p>P6 Development does not adversely affect wildlife⁷ that is protected by the Nature Conservation Act 1992.</p> <p><i>Note 1:</i> As an example, there are substantial areas of the endangered species <i>Cycas megacarpa</i> located in the foothills of the Berserker Ranges.</p> <p><i>Note 2:</i> An assessment against this Performance Criterion would require an Ecological Assessment Report to be prepared in accordance with Planning Scheme Policy No. 1 - Preparation of Ecological Assessment Reports and Environmental Management Plans that demonstrates that the development will not adversely affect wildlife protected by the Nature Conservation Act 1992.</p>	<p>A6 The development is not located in, or within 30 metres of an Environmentally Sensitive Area.</p>



⁷ As defined in the Nature Conservation Act 1992.