

## 8.2.3 Biodiversity, waterways and wetlands overlay code<sup>8 9</sup>

### 8.2.3.1 Application

- (1) This code applies to accepted development and assessable development:-
  - (a) subject to the biodiversity, waterways and wetlands overlay shown on the overlay maps contained within **Schedule 2 (Mapping)**; and
  - (b) identified as requiring assessment against the Biodiversity, waterways and wetlands overlay code by the tables of assessment in **Part 5 (Tables of assessment)**.
- (2) The acceptable outcomes in **Table 8.2.3.3.1 (Requirements for accepted development)** are requirements for applicable accepted development.
- (3) The following provisions of the code are assessment benchmarks for applicable assessable development:-
  - (a) **section 8.2.3.2 (Purpose and overall outcomes)**; and
  - (b) **Table 8.2.3.3.2 (Performance outcomes and acceptable outcomes for assessable development)**.

### 8.2.3.2 Purpose and overall outcomes

- (1) The purpose of the Biodiversity, waterways and wetlands overlay code is to ensure that:-
  - (a) *ecologically important areas* are protected, rehabilitated and enhanced; and
  - (b) ecological connectivity is improved.
- (2) The purpose of the Biodiversity, waterways and wetlands overlay code will be achieved through the following overall outcomes:-
  - (a) development protects and enhances *ecologically important areas* and ecological connectivity;
  - (b) development protects and establishes appropriate *buffers* to waterways, *wetlands*, native *vegetation* and significant fauna habitat;
  - (c) development protects known populations and supporting habitat of rare and threatened flora and fauna species, as listed in the *State Nature Conservation Act 1992*, *Nature Conservation (Wildlife) Regulation 2006* and the *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999*;
  - (d) development is located, designed and managed to avoid or minimise adverse direct or indirect impacts on ecological systems and processes;
  - (e) development avoids or minimises adverse impacts on koalas and koala habitat; and
  - (f) development is designed to achieve the prescribed water quality objectives for *waterways* and *wetlands* in accordance with the *Environmental Protection (Water) Policy 2009*.

<sup>8</sup> Editor's note—the following elements referred to in this code are identified on the Biodiversity, Waterways and Wetlands Overlay Maps in **Schedule 2 (Mapping)**:-

- (a) native *vegetation* areas;
- (b) *waterways*, waterbodies and *wetlands*;
- (c) declared fish habitat areas; and
- (d) riparian protection areas.

<sup>9</sup> Editor's note—the **Planning scheme policy for the biodiversity, waterways and wetlands overlay code** provides advice and guidance for achieving certain outcomes of this code, including guidance for the preparation of an ecological assessment report and environmental management/rehabilitation plan.

### 8.2.3.3 Performance outcomes and acceptable outcomes

Table 8.2.3.3.1 Requirements for accepted development

Performance Outcomes		Acceptable Outcomes													
<b>Dwelling House</b>															
<b>PO1</b>	A <i>dwelling house</i> is sited such that waterways, <i>wetlands</i> and riparian areas are protected and the clearing of native <i>vegetation</i> is avoided or minimised.	<b>AO1.1</b>	The <i>dwelling house</i> is not located on land identified as being a <i>waterway</i> or <i>wetland</i> on a Biodiversity, Waterways and Wetlands Overlay Map.												
		<b>AO1.2</b>	Where the <i>dwelling house</i> is located on a lot containing or adjoining a waterway or <i>wetland</i> (other than canals and artificial <i>waterways</i> ) identified on a Biodiversity, Waterways and Wetlands Overlay Map, the <i>dwelling house</i> is set back from the high bank of the <i>waterway</i> or <i>wetland</i> in accordance with <b>Table 8.2.3.3.1A (Buffer distances for dwelling houses to waterways and wetlands other than canals and artificial waterways)</b> .												
			<p><b>Table 8.2.3.3.1A Buffer distances for dwelling houses to waterways and wetlands other than canals and artificial waterways</b></p> <table border="1"> <thead> <tr> <th>Column 1 Waterway type / wetland</th> <th>Column 2 Buffer distance in Urban zone</th> <th>Column 3 Buffer distance in Non-urban Zone</th> </tr> </thead> <tbody> <tr> <td>Stream order 1 and 2</td> <td>10 metres</td> <td>10 metres</td> </tr> <tr> <td>Stream order 3 and above</td> <td>10 metres</td> <td>25 metres</td> </tr> <tr> <td><i>Wetland</i></td> <td colspan="2">10 metres where on a lot not more than 3,000m<sup>2</sup> in area; or 25 metres where on a lot more than 3,000m<sup>2</sup> in area.</td> </tr> </tbody> </table>	Column 1 Waterway type / wetland	Column 2 Buffer distance in Urban zone	Column 3 Buffer distance in Non-urban Zone	Stream order 1 and 2	10 metres	10 metres	Stream order 3 and above	10 metres	25 metres	<i>Wetland</i>	10 metres where on a lot not more than 3,000m <sup>2</sup> in area; or 25 metres where on a lot more than 3,000m <sup>2</sup> in area.	
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<b>AO1.3</b>	The <i>dwelling house</i> is not located on land identified as being an endangered or of concern regional ecosystem on a Regional Ecosystem Map <sup>10</sup> , unless its location is in accordance with a Property Map of Assessable Vegetation.														
		<b>OR</b>	Where there is an approved building envelope plan for a lot on land identified as being an endangered or of concern regional ecosystem on a Regional Ecosystem Map, clearing of native <i>vegetation</i> and building work does not extend beyond the building envelope, except for the purposes of a single lane driveway access.												
		<b>AO1.4</b>	The <i>dwelling house</i> is not located on land identified as being a native <i>vegetation</i> area on a Biodiversity, Waterways and Wetlands Overlay Map.												
			<b>OR</b>												

<sup>10</sup> Editor's note—Regional Ecosystem Maps are available through the *Department of Environment and Heritage Protection*.

Performance Outcomes		Acceptable Outcomes									
			<p>Where there is an approved building envelope plan for a lot that contains an area of native <i>vegetation</i>, clearing of native <i>vegetation</i> does not extend beyond the building envelope, except for the purposes of driveway <i>access</i>.</p> <p><b>OR</b></p> <p>Where there is no approved building envelope plan for the lot, clearing of native <i>vegetation</i>, except for the purposes of driveway <i>access</i>:-</p> <p>(a) does not extend beyond:-</p> <p>(i) 1.5 times the height of the predominant tree canopy as measured from a building or structure, where in a bushfire hazard area; or</p> <p>(ii) 20 metres of a building or structure otherwise; and</p> <p>(b) does not exceed a total area of 600m<sup>2</sup>.</p>								
Rural Uses											
<b>PO2</b>	The rural use is sited such that <i>waterways</i> and <i>wetlands</i> are protected.	<b>AO2.1</b>  <b>AO2.2</b>	<p>The rural use is not located on land identified as being a <i>waterway</i> or <i>wetland</i> on a Biodiversity, Waterways and Wetlands Overlay Map.</p> <p>Where the rural use is located on a lot containing or adjoining a <i>waterway</i> or <i>wetland</i> identified on a Biodiversity, Waterways and Wetlands Overlay Map, the rural use is set back from the high bank of the <i>waterway</i> or <i>wetland</i> in accordance with <b>Table 8.2.3.3.1B (Buffer distances for rural uses to waterways and wetlands)</b>.</p> <p><b>Table 8.2.3.3.1B Buffer distances for rural uses to waterways and wetlands</b></p> <table border="1"> <thead> <tr> <th>Column 1 Waterway type / wetland</th> <th>Column 2 Setback/Buffer</th> </tr> </thead> <tbody> <tr> <td>Stream order 1 and 2</td> <td>10 metres</td> </tr> <tr> <td>Stream order 3 and above</td> <td>10 metres (where <i>animal husbandry</i> other than grazing of poultry) 25 metres (where not otherwise specified)</td> </tr> <tr> <td><i>Wetland</i></td> <td>10 metres (where <i>animal husbandry</i> other than grazing of poultry) 25 metres (where not otherwise specified)</td> </tr> </tbody> </table>	Column 1 Waterway type / wetland	Column 2 Setback/Buffer	Stream order 1 and 2	10 metres	Stream order 3 and above	10 metres (where <i>animal husbandry</i> other than grazing of poultry) 25 metres (where not otherwise specified)	<i>Wetland</i>	10 metres (where <i>animal husbandry</i> other than grazing of poultry) 25 metres (where not otherwise specified)
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**Table 8.2.3.3.2 Performance outcomes and acceptable outcomes for assessable development**

Performance Outcomes		Acceptable Outcomes	
<b>Protection of Ecologically Important Areas</b>			
<b>PO1</b>	Development protects the physical and ecological integrity and biodiversity of <i>ecologically important areas</i> through protection and retention of:- (a) existing terrestrial habitat areas; and (b) existing riparian, <i>waterway</i> and <i>wetland</i> habitat areas.	<b>AO1.1</b>	<i>Ecologically important areas</i> are retained in-situ and are conserved or rehabilitated to ensure their ongoing contribution to:- (a) the natural resources and biological diversity of the Sunshine Coast; and (b) the achievement of the water quality objectives for the applicable natural water catchment <sup>11</sup> .
		<b>AO1.2</b>	Development within an <i>ecologically important area</i> does not increase the dimensions of the existing <i>development footprint</i> or the existing level of intensity of the development.
<b>Management of Impacts on Ecologically Important Areas</b>			
<b>PO2</b>	Development on or adjacent to land containing an <i>ecologically important area</i> is designed and constructed to:- (a) prevent any direct or indirect impacts on the <i>ecologically important area</i> ; (b) enhance and restore the <i>ecologically important area</i> ; (c) retain, enhance and restore known populations and supporting habitat of significant flora and fauna species; and (d) minimise the impacts of construction and ongoing use on native fauna.	<b>AO2.1</b>	Any building, structure or works is set back from a native <i>vegetation area</i> identified on a Biodiversity, Waterways and Wetlands Overlay Map, a minimum of:- (a) 50 metres where the native <i>vegetation area</i> forms part of the <i>protected estate</i> (e.g. National Park or Conservation Park) or is <i>Council Environmental Reserve</i> ; or (b) a distance equivalent to the height of the native <i>vegetation area</i> where not otherwise specified.  Note—a greater setback distance may be required where the native <i>vegetation area</i> is also identified as a <i>waterway</i> or <i>wetland</i> on a Biodiversity, Waterways and Wetlands Overlay Map. Setback requirements for <i>waterways</i> and <i>wetlands</i> are addressed in Performance Outcome PO9.  Note—where land is subject to the Bushfire Hazard Overlay, a greater setback distance may be required in order to achieve compliance with the <b>Bushfire hazard overlay code</b> .
		<b>AO2.2</b>	The design and layout of development minimises adverse impacts on <i>ecologically important areas</i> by:- (a) clustering lots and building envelopes into cleared areas and protecting habitat in consolidated areas so as to maximise the ecological connectivity of native <i>vegetation</i> and minimise edge effects; (b) aligning new property boundaries such that they do not traverse <i>ecologically important areas</i> ; (c) ensuring that alterations to natural landforms, hydrology and drainage patterns on the development <i>site</i> do not negatively affect <i>ecologically important areas</i> ; (d) ensuring that significant fauna habitat, including nesting tree hollows, ground nesting and breeding sites, and

<sup>11</sup> Editor's note—water quality objectives are prescribed in Schedule 1 of the *Environmental Protection (Water) Policy 2009*.

Performance Outcomes		Acceptable Outcomes	
			<p>significant fauna feeding habitat, including individual fauna feeding sites, trees, shrubs and understorey, are protected in their environmental context;</p> <p>(e) incorporating measures that avoid or minimise disruption to threatened wildlife and their habitat and allow for their safe movement through the <i>site</i>;</p> <p>(f) implementing effective measures to anticipate and prevent disturbance or predation of native fauna from domestic and pest species, such as night curfews and exclusion areas;</p> <p>(g) implementing effective measures to anticipate and prevent the entry or spread of pest plants in <i>ecologically important areas</i>; and</p> <p>(h) minimising potential changes in fire regimes and the need for fire breaks in areas outside building envelopes.</p> <p><b>AO2.3</b> <i>Infrastructure</i>, including roads, driveways, fences, dams, sewer lines, fire breaks, stormwater treatment devices and the like does not traverse <i>ecologically important areas</i>.</p> <p>Note—as far as reasonably practicable, <i>infrastructure</i> and services should be co-located and situated in existing cleared areas.</p>
<b>PO3</b>	<p>Where the clearing of native <i>vegetation</i> cannot practicably be avoided, development:-</p> <p>(a) minimises adverse impacts on ecological values to the greatest extent practicable; and</p> <p>(b) provides a biodiversity offset for the area that is adversely affected by the development that:-</p> <p>(i) results in a net environmental benefit within a short timeframe;</p> <p>(ii) is located on the development <i>site</i>, another <i>site</i> that has a nexus with the development <i>site</i> or a <i>site</i> that is within a rehabilitation focus area;</p> <p>(iii) is supported by appropriate management and funding arrangements to ensure the ongoing viability of the offset; and</p> <p>(iv) is not used for material or commercial gain.</p>	<b>AO3</b>	<p>Where the clearing of native <i>vegetation</i> cannot practicably be avoided, the development:-</p> <p>(a) limits the loss of native <i>vegetation</i> to the smallest possible area;</p> <p>(b) incorporates siting and design measures to protect and retain ecological values and underlying ecosystem processes within or adjacent to the development <i>site</i>, to the greatest extent practicable; and</p> <p>(c) provides a biodiversity offset in accordance with:-</p> <p>(i) the requirements for a biodiversity offset specified in <b>Table 9.4.9.3.2 (Biodiversity offset requirements)</b> of <b>Section 9.4.9 (Vegetation management code)</b>; and</p> <p>(ii) the <b>Planning scheme policy for biodiversity offsets</b>.</p> <p>Note—a biodiversity offset will not be required for development where subject to a master development approval granted prior to the commencement of the planning scheme in which matters related to <i>vegetation</i> retention and protection have already been addressed.</p>
<b>PO4</b>	Effective measures are implemented during the construction and operation of developments on or adjacent to land containing an <i>ecologically important area</i> , to protect fauna that	<b>AO4.1</b>	Any noise, vibration or dust generated during the construction and operational phases of development is managed to ensure it does not have an adverse impact on fauna within an <i>ecologically important area</i> .

Performance Outcomes		Acceptable Outcomes	
	is sensitive to disturbance from noise, vibration, dust or light.	<b>AO4.2</b>	Lighting associated with development:- (a) does not contribute to an unacceptable level of illuminance (greater than 1 lux) for light-sensitive species within or at the boundary of an <i>ecologically important area</i> ; and (b) does not contribute to an unacceptable level of illuminance on landward horizons along coastal areas and known sea turtle nesting beaches.
<b>Koala Conservation</b>			
<b>PO5</b>	Development in koala habitat areas protects and provides for a net gain in mature and actively regenerating koala habitat.	<b>AO5</b>	Development avoids clearing <i>non-juvenile koala habitat trees</i> .
<b>PO6</b>	Development in koala habitat areas provides for safe and appropriate koala movement and mitigates any potential threats or risks to koalas.	<b>AO6.1</b>	Development provides safe koala movement opportunities as appropriate to the development type, and the potential for habitat connectivity on the <i>site</i> , in accordance with the criteria for determining habitat connectivity for koala movement set out in the <b>Planning scheme policy for the biodiversity, waterways and wetlands overlay code</b> .
		<b>AO6.2</b>	Development design complies with the Koala Sensitive Design Guideline: A guide to koala sensitive design measures for planning and development activities, Queensland Government (Department of Environment and Heritage) 2012.
		<b>AO6.3</b>	Development provides that during construction phases:- (a) measures are incorporated into construction practices to not increase the risk of death or injury to koalas; (b) native <i>vegetation</i> that is cleared in an area intended to be retained for safe koala movement opportunities is progressively restored and rehabilitated; and (c) public accessways are located and designed to avoid disturbance of koala habitat through measures such as exclusion fencing and devices, signage and designated access points.
		<b>AO6.4</b>	Development incorporates landscapes that provide food, shelter and movement opportunities for koalas, consistent with the site layout and development design.
<b>Linking of Ecologically Important Areas through Ecological Linkages</b>			
<b>PO7</b>	Ecological linkages are protected and enhanced and have dimensions and characteristics that:- (a) effectively link <i>ecologically important areas</i> on and/or adjacent to the <i>site</i> ; and (b) facilitate unimpeded, safe and effective movement of terrestrial and aquatic fauna traversing the corridor or accessing and/or using the	<b>AO7.1</b>	Where located in an ecological linkage, as identified on <b>Strategic Framework Map SFM5 (Natural Environment Elements)</b> , or a local ecological linkage as identified on a local plan elements figure, development is sited and designed to maximise the ecological connectivity of <i>vegetation</i> within the <i>site</i> and to adjacent <i>sites</i> .
		<b>AO7.2</b>	Where located within an ecological linkage, as identified on <b>Strategic Framework Map SFM5 (Natural Environment Elements)</b> or

Performance Outcomes		Acceptable Outcomes	
	site as habitat.		<p>a local ecological linkage, as identified on a local plan elements figure, development provides for native <i>vegetation</i> to be retained, regenerated, and rehabilitated in such a way as to:-</p> <ul style="list-style-type: none"> <li>(a) ensure protection of wildlife refuges;</li> <li>(b) maintain <i>vegetation</i> in patches of the greatest possible size and with the smallest possible edge-to-area ratio;</li> <li>(c) maximise the ecological connectivity of <i>vegetation</i> located on the subject <i>site</i> and on adjacent properties; and</li> <li>(d) facilitate the dispersal or movement of native wildlife known to occur in the area.</li> </ul> <p><b>AO7.3</b> Development provides for unimpeded movement of fauna within an ecological linkage, or local ecological linkage, to be facilitated by:-</p> <ul style="list-style-type: none"> <li>(a) ensuring that development, both during construction and operation, does not create physical barriers and safety hazards (such as roads, pedestrian access and in-stream structures) to the movement of fauna along or within the ecological linkage;</li> <li>(b) providing wildlife movement <i>infrastructure</i> where necessary and directing fauna to locations where wildlife movement <i>infrastructure</i> has been provided to enable fauna to safely negotiate a development area;</li> <li>(c) separating fauna from potential hazards (e.g. through fauna exclusion and directional fencing and fauna overpasses and underpasses); and</li> <li>(d) providing mitigating measures such as traffic calming devices, signage and lighting.</li> </ul>
<b>Rehabilitation of Ecologically Important Areas</b>			
<b>PO8</b>	Development provides for <i>ecologically important areas</i> to be restored and enhanced so as to contribute towards a functional and connected network of viable habitat areas.	<p><b>AO8.1</b> Development provides for cleared, degraded or disturbed <i>ecologically important areas</i> to be rehabilitated or allowed to regenerate naturally.</p> <p><b>AO8.2</b> Development provides for locally native plant species to be predominantly used in the revegetation and landscape planting on the <i>site</i>.</p> <p><b>AO8.3</b> Development provides for revegetation and landscape planting that does not use declared or environmental weeds as specified in the <b>Planning scheme policy for development works</b>.</p> <p>Editor's note—<b>Section 9.4.2 (Landscape code)</b> sets out requirements for revegetation and habitat restoration works.</p>	
<b>Buffers to Natural Waterways and Wetlands</b>			
<b>PO9</b>	Development provides and maintains adequate vegetated <i>buffers</i> and setbacks to protect and	<b>AO9.1</b>	<p>Development and the clearing of native <i>vegetation</i> do not occur within:-</p> <ul style="list-style-type: none"> <li>(a) a riparian protection area, as identified</li> </ul>

Performance Outcomes		Acceptable Outcomes	
	<p>enhance the environmental values<sup>12</sup> and integrity of natural <i>waterways</i> and <i>wetlands</i>, having particular regard to:-</p> <ul style="list-style-type: none"> <li>(a) fauna habitats;</li> <li>(b) wildlife corridors and connectivity;</li> <li>(c) adjacent land use impacts;</li> <li>(d) stream integrity;</li> <li>(e) water quality;</li> <li>(f) sediment trapping;</li> <li>(g) resilience to flood and storm tide inundation events and consequent erosion, including the safety of people and risk of damage to property on the site;</li> <li>(h) overland and groundwater flows; and</li> <li>(i) recreational amenity.</li> </ul>	<b>AO9.2</b>	<p>on a Biodiversity, Waterways and Wetlands Overlay Map; or</p> <ul style="list-style-type: none"> <li>(b) 10 metres of each high bank of a <i>waterway</i> identified on a Biodiversity, Waterways and Wetlands Overlay Map otherwise.</li> </ul> <p>Development provides for the rehabilitation of land within:-</p> <ul style="list-style-type: none"> <li>(a) a riparian protection area, as identified on a Biodiversity, Waterways and Wetlands Overlay Map; or</li> <li>(b) 10 metres of each high bank of a <i>waterway</i> identified on a Biodiversity, Waterways and Wetlands Overlay Map otherwise.</li> </ul>
<b>Management of Public Access and Edge Effects</b>			
<b>PO10</b>	Development on land adjacent to a <i>waterway</i> or <i>wetland</i> maintains an appropriate extent of public access to <i>waterways</i> and <i>wetlands</i> and minimises edge effects.	<b>AO10</b>	Development adjacent to a <i>waterway</i> or <i>wetland</i> provides that:- <ul style="list-style-type: none"> <li>(a) no new lots directly back onto the riparian area; and</li> <li>(b) new public roads are located between the riparian <i>buffer</i> and the proposed development areas.</li> </ul>
<b>Hydrologic Regimes</b>			
<b>PO11</b>	Development ensures that the natural surface water and groundwater hydrologic regimes of <i>waterways</i> , <i>wetlands</i> and associated <i>buffers</i> are maintained to the greatest extent possible.	<b>AO11</b>	<p>Development does not change the natural surface water or groundwater hydrologic regime of a <i>waterway</i> or <i>wetland</i>, including through channelisation, redirection or interruption of flow.</p> <p><b>OR</b></p> <p>Where development changes the natural surface water or hydrologic regime of a <i>waterway</i> or <i>wetland</i>, the extent of change is minimised to ensure that the <i>waterway</i> or <i>wetland</i> is protected such that:-</p> <ul style="list-style-type: none"> <li>(a) there is no change to the reference duration high flow and low flow duration frequency curves, low flow spells frequency curve and mean annual flow to and from the <i>waterway</i> or <i>wetland</i>;</li> <li>(b) stream flows into the <i>waterway</i> or <i>wetland</i> comply with all relevant water quality objectives for the catchment;</li> <li>(c) where development would increase the velocity or volume of stormwater flows into the <i>waterway</i> or <i>wetland</i>, the collection and reuse of stormwater occurs in accordance with (a) and (b) above;</li> <li>(d) development avoids groundwater abstraction;</li> <li>(e) development maintains groundwater recharge and discharge processes; and</li> <li>(f) development does not result in the ingress of saline water into freshwater</li> </ul>

<sup>12</sup> Editor's note—environmental values of waters are prescribed in Schedule 1 of the *Environmental Protection (Water) Policy 2009*.



Performance Outcomes		Acceptable Outcomes	
			aquifers.
<b>Groundwater and Surface Water Quality</b>			
<b>PO12</b>	Development maintains or enhances the quality of groundwater and surface water within or downstream of the <i>site</i> .	<b>AO12</b>	Development maintains the water quality of onsite and adjacent <i>waterways</i> and <i>wetlands</i> by:- <ul style="list-style-type: none"> <li>(a) avoiding or minimising and mitigating the release of contaminated water and wastewater by treating the contaminated water or wastewater to achieve all relevant water quality objectives<sup>13</sup> prior to discharge into receiving waters on site or prior to discharge from the <i>site</i>;</li> <li>(b) avoiding the increased conveyance of stormwater and sediment to adjacent <i>waterways</i> and <i>wetlands</i>;</li> <li>(c) establishing appropriate vegetation <i>buffers</i> and setbacks from a <i>waterway</i> or <i>wetland</i> in accordance with the other relevant acceptable outcomes of this code; and</li> <li>(d) avoiding or minimising and managing the disturbance of potential or actual <i>acid sulfate soils</i>.</li> </ul>

<sup>13</sup> Editor's note—water quality objectives are prescribed in Schedule 1 of the *Environmental Protection (Water) Policy 2009*.