State code 11: Removal, destruction or damage of marine plants

11.1 Purpose statement

The purpose of the code is to ensure that development which involves the removal, destruction or damage of **marine plants**:

1. maintains the extent, distribution, diversity and condition of **marine plant** communities and protects the ecological functions to which they contribute
2. maintains the health and productivity of **fisheries resources** and **fish habitat**
3. minimises impacts on the management, use, development and protection of **fisheries resources** and **fish habitat**
4. avoids impacts on **marine plants** that are **matters of state environmental significance**, and where avoidance is not reasonably possible, minimises and mitigates impacts, and provides an **offset** for **significant residual impacts** where appropriate.

Note: **Marine plant** protection under the *Fisheries Act 1994* applies irrespective of the tenure.

Further information will be provided in the forthcoming guideline: State code 11: Removal, destruction or damage of marine plants, Department of Agriculture and Fisheries, 2017.

11.2 Performance outcomes and acceptable outcomes

Development that is a material change of use, reconfiguring of a lot or operational work which involves the removal, destruction or damage of a **marine plant** should demonstrate compliance with the relevant provisions of table 11.2.2. For further details of the specific performance outcomes to be addressed, please refer to table 11.2.1.

Table 11.2.1: Development type and relevant provisions of the code

Development	Relevant provisions of code
All development	Table 11.2.2 – PO1 – PO15
Private maritime infrastructure	Table 11.2.2 – PO16
Erosion control structures and beach replenishment	Table 11.2.2 – PO17 – PO22
Dredging	Table 11.2.2 – PO23 – PO25
Temporary works	Table 11.2.2 – PO26 – PO28
Restoration	Table 11.2.2 – PO29 – PO30
Matters of state environmental significance	Table 11.2.2 – PO31

Table 11.2.2: Operational works

Performance outcomes	Acceptable outcomes
All development	
PO1 There is a demonstrated need for the development, and alternatives (locations and designs) which do not involve removal, destruction or damage of **marine plants** and impacts to **fisheries resources** and **fish habitats** are not viable.	*For development associated with a public health or safety purpose:* **AO1.1** Development is for: 1. signage or aids to warn the public of a safety hazard (for example, within a **waterway** to warn of submerged rocks, crocodiles, marine stingers); or

Performance outcomes	Acceptable outcomes
	2. prevention of an impending public safety issue; or 3. the mitigation of a hazard to public safety that has resulted from a specific unforeseen event (for example, a fallen tree that is a danger to safe navigation); or 4. placement of a cyclone mooring identified under a cyclone contingency plan by the **harbour master** or controlling port authority, and is located in accordance with the plan; or 5. a public health purpose that has been endorsed in writing by Queensland Health or the relevant local government. *For any other development, no acceptable outcome is prescribed.* Note: The application should identify and document the impacts of alternative proposals.
PO2 Only those aspects of a development that have a functional requirement to be located on **tidal land** create the requirement to remove, destroy or damage **marine plants**. Ancillary elements (for example: car and trailer parks, rest rooms, offices) occur outside of **tidal land**. Note: **Tidal land** within the development site should be accurately identified on plans provided with the application, together with the location of **highest astronomical tide**, mean high water spring and mean low water spring tide heights. The extent, location, species and condition of **marine plants** that are proposed for removal, damage or destruction and retained have been clearly and accurately identified and mapped to enable risks and impacts to be properly assessed.	No acceptable outcome is prescribed.
PO3 Development impacting **marine plants**: 1. directly abuts **land** that has full riparian access rights; or 2. provides a public facility. Note: Further guidance on rights in context of **fisheries resources** and **fish habitats** is provided in the operational policy provisions of Management and protection of marine plants and other tidal fish habitats (FHMOP 001), Department of Primary Industries and Fisheries, 2007. The provision of owner's consent to lodge the development application does not confer rights.	No acceptable outcome is prescribed.
PO4 The spatial extent of disturbance to **marine plants** is minimised. Note: For more information, refer to relevant **fish habitat** management operational policies and **fish habitat** guidelines: 1. Management and protection of marine plants and other tidal fish habitats (FHMOP 001), Department of Primary Industries and Fisheries, 2007 2. Tidal fish habitats, erosion control and beach replenishment (FHMOP 010), Department of Primary Industries and Fisheries, 2007 3. Dredging, extraction and spoil disposal activities (FHMOP 004), Department of Primary Industries, 1998	*For work associated with private development that is a jetty, pontoon or boat ramp only:* **AO4.1** Only one structure adjoins the property. Note: A structure includes boat ramps, jetties and pontoons. AND

Performance outcomes	Acceptable outcomes
4. Departmental procedures for permit applications assessment and approvals for insect pest control in wetlands (FHMOP 003), Department of Primary Industries, 1996 5. Fisheries guidelines for fish-friendly structures (FHG 006), Department of Primary Industries and Fisheries, 2006.	**AO4.2** The extent of **marine plants** removed, damaged or destroyed does not exceed 2 metres along the **waterway** frontage (width). AND **AO4.3** The long-term use and and operability of the development will not result in ongoing adverse impacts or new adverse impacts or additional development. For example, a proposed jetty will not result in the need to dredge navigation access to the development in the future. AND one of the following acceptable outcomes apply **AO4.4** The extent of **marine plant** removal, damage or destruction for a jetty or pontoon development has a maximum: 1. area of 30 square metres; 2. width of 2 metres along the shoreline (**highest astronomical tide**); 3. length of 15 metres from **highest astronomical tide** (measured perpendicular to the shore). OR **AO4.5** The boat ramp development has a maximum development footprint of 45 square metres. *For any other development, no acceptable outcome is prescribed.*
PO5 The timing of works avoids **marine plant** flowering, **fish** spawning and **fish** migration periods.	No acceptable outcome is prescribed.
PO6 Development of, or adjacent to, **fish habitats** avoids the unnecessary loss, degradation or fragmentation of **fish habitats** and their values and the loss of **fish** movement. Note: For more information, refer to relevant **fish habitat** management operational policies and **fish habitat** guidelines: 1. Management and protection of marine plants and other tidal fish habitats (FHMOP 001), Department of Primary Industries and Fisheries, 2007 2. Tidal fish habitats, erosion control and beach replenishment (FHMOP 010), Department of Primary Industries and Fisheries, 2007 3. Dredging, extraction and spoil disposal activities (FHMOP 004), Department of Primary Industries, 1998 4. Departmental procedures for permit applications assessment and approvals for insect pest control in wetlands (FHMOP 003), Department of Primary Industries, 1996 5. Fisheries guidelines for fish-friendly structures (FHG 006), Department of Primary Industries and Fisheries, 2006.	No acceptable outcome is prescribed.
PO7 Development does not increase the risk of mortality, disease or injury, or compromise the health, productivity, marketability or suitability for	No acceptable outcome is prescribed.

Performance outcomes	Acceptable outcomes
human consumption of **fisheries resources**, having regard to (but not limited to): 1. biotic and abiotic conditions, such as water and sediment quality 2. substances that are toxic to plants or toxic to or cumulative within **fish** 3. design of structures 4. impacts on reproductive success 5. effect on **fish** energy reserves 6. whether **fish** may be physically damaged, killed, trapped or stranded 7. **fish** passage and access to habitats generally; and 8. the impacts of pest **fish** and other relevant pest species. Note: A **fish** salvage plan may be required to demonstrate compliance with the performance outcome and may form a condition of any approval. Permits or other authorities may be required under the *Fisheries Act 1994* for the use of regulated **fishing** apparatus and to possess **fisheries resources**.	
PO8 Works are undertaken to encourage **fish habitats** and **fisheries resource** values to naturally regenerate. Note: Substitution of **fish habitats** is not supported. A condition of approval for any **marine plant** restoration is likely to require a post-works monitoring and maintenance program appropriate for the scale of the restoration works.	No acceptable outcome is prescribed.
PO9 Development likely to cause drainage or disturbance to acid sulfate soils, prevents the release of contaminants and impacts on **fisheries resources** and **fish habitats**. Note: Management of acid sulfate soil is consistent with the current Queensland acid sulfate soil technical manual: Soil Management Guidelines v4.0, Department of Science, Information Technology, Innovation and the Arts, 2014.	No acceptable outcome is prescribed.
PO10 Tidal and freshwater inundation and drainage patterns, extent and timing are maintained or restored such that ecological processes continue and associated **fish habitat** values and condition are maintained.	*For bridges:* **AO10.1** Bridges are designed with abutments above the **highest astronomical tide**. AND *For water, sewer or stormwater infrastructure:* **AO10.2** Infrastructure is placed below the existing natural substrate surface level, and natural substrate, surface levels and habitat condition and values are reinstated. *For any other development, no acceptable outcome is prescribed.*

Performance outcomes	Acceptable outcomes
PO11 Development: 1. maintains natural processes of erosion and accretion unless there is an immediate and significant threat; and 2. does not result in increased risk of **waterway** bed or bank scour or erosion or shoreline or **foreshore** erosion.	No acceptable outcome is prescribed.
PO12 The development is designed, sited and constructed to ensure its long-term use and operability will not result in ongoing adverse impacts or new adverse impacts or additional development including: 1. dredging to maintain access 2. trimming of **marine plants** 3. warning signs or protective structures.	No acceptable outcome is prescribed.
PO13 Development does not restrict or reduce **public use** of or access to **tidal land** and **waterways** (areas host to **fisheries resources**).	*For development for a material change of use or reconfiguration of a lot:* **AO13.1 Tidal land** and **fish habitats** are separated from development and are available for **public use**. *For any other development, no acceptable outcome is prescribed.*
PO14 Development does not adversely impact on community access to **fisheries resources** and **fish habitats** including recreational and indigenous **fishing** access. Note: In some cases, compensation for impact on **fisheries** access, operations and/or productivity may be necessary. The Guideline on fisheries adjustment provides advice for proponents on relevant **fisheries** adjustment processes and is available by request from the Department of Agriculture and Fisheries.	**AO14.1** The development does not alter existing infrastructure or existing community access arrangements.
PO15 Development does not adversely impact on commercial **fishing** access and linkages between a commercial **fishery** and infrastructure, services and facilities. Note: In some cases, compensation for impact on **fisheries** access, operations and/or productivity may be necessary. The Guideline on fisheries adjustment provides advice for proponents on relevant **fisheries** adjustment processes and is available by request from the Department of Agriculture and Fisheries.	No acceptable outcome is prescribed.
Private maritime infrastructure	
PO16 Evidence of a relevant development approval for the removal, damage or destruction or **marine plants** is required if a material change of use or reconfiguration of a lot occurred since 1 March 2005.	No acceptable outcome is prescribed.
Erosion control structures and beach replenishment	
PO17 Removal, destruction or damage to **marine plants** as a result of erosion control structures or beach replenishment only occurs where there is an immediate and significant threat of erosion to: 1. the use of the **land** for its existing or approved purpose; and 2. infrastructure, structures or buildings are not expendable or not able to be relocated.	No acceptable outcome is prescribed.

Performance outcomes	Acceptable outcomes
Note: Further detail on erosion control is provided in Tidal fish habitats, erosion control and beach replenishment (FHMOP 010), Department of Primary Industries and Fisheries, 2007.	
PO18 The area that the beach replenishment is to be carried out on is a high-energy, sandy sediment shoreline with biological communities adapted to mobile sediments.	No acceptable outcome is prescribed.
PO19 Erosion control structures including beach replenishment does not create terrestrial **land**, unless it is a sacrificial dune or beach which forms an integral part of the erosion control design.	No acceptable outcome is prescribed.
PO20 The beach replenishment work is undertaken in a way that minimises the need for other erosion control activities or works.	No acceptable outcome is prescribed.
PO21 The beach replenishment work is undertaken in a way that minimises the frequency of any ongoing replenishment requirements.	**AO21.1** Beach replenishment will not require maintenance more often than every two years. AND **AO21.2** A source of replenishment material for future maintenance is identified and secured.
PO22 Erosion control structures are located parallel to the shoreline and as far landward as possible to avoid impacts to **tidal land** and **marine plants**.	No acceptable outcome is prescribed.
Dredging	
PO23 Capital dredging is to create or provide access to **public infrastructure**. Note: 1. Privately owned marina facilities or maritime infrastructure development that is open to the general public and facilitates unrestricted **public use** for **fishing** purposes may be considered **public infrastructure**. 2. Dredging for access to private structures that do not provide unrestricted **public use** is not supported.	No acceptable outcome is prescribed.
PO24 Maintenance dredging is consistent with an existing development approval for dredging; and within approved profiles for navigational purposes.	No acceptable outcome is prescribed.
PO25 Disposal of dredge spoil avoids adverse impacts on **marine plants**.	**AO25.1** Dredge spoil is not deposited on **tidal land**.
Temporary works	
PO26 Fish habitats and the **fisheries resources** they support are restored to pre-existing or improved condition and extent when the temporary works have ceased.	No acceptable outcome is prescribed.
PO27 Temporary works will be in place or are undertaken for a specified period and for the shortest possible time.	No acceptable outcome is prescribed.
PO28 A temporary structure is in place for a specified period and is designed to be completely removed.	No acceptable outcome is prescribed.
Restoration	
PO29 Restoration does not: 1. compromise condition of **fish habitats** or **fisheries** productivity; or	No acceptable outcome is prescribed.

Performance outcomes	Acceptable outcomes
2. substitute a particular **fish habitat** for another type of habitat, for example, creation of mangrove communities from other tidal **fish habitats**; or 3. substitute a natural **fish habitat** for artificial **fish habitat**; or 4. deliver **fish habitats** that are likely to be regularly disturbed, such as through predictable sediment removal or maintenance dredging; or 5. deliver **fish habitats** that will predictably be at a high risk of contamination and/or further disturbance. Note: For further guidance refer to Restoration of fish habitats: Fisheries guidelines for marine areas (FHG 002), Department of Primary Industries, 1998. Restoration works authorised through an endorsed restoration plan under the code for self-assessable development MP06 – Minor impact works in a declared fish habitat area or involving the removal, destruction or damage of marine plants, Department of Agriculture, Fisheries and Forestry, 2013, do not require a development permit.	
PO30 Marine plants to be used for revegetation purposes have local provenance.	**AO30.1 Marine plants** used in restoration works are collected within a 100 kilometre radius of the site.
Matters of state environmental significance	
PO31 Development: 1. avoids impacts on **matters of state environmental significance**; or 2. minimises and mitigates impacts on **matters of state environmental significance** after demonstrating avoidance is not reasonably possible; and 3. provides an **offset** if, after demonstrating all reasonable avoidance, minimisation and mitigation measures are undertaken, the development results in an acceptable **significant residual impact** on a **matter of state environmental significance**. Statutory note: For Brisbane core port land, an offset may only be applied to development on land identified as E1 Conservation/Buffer, E2 Open Space or Buffer/Investigation in the Brisbane Port LUP precinct plan. Note: For the purpose of this code, the **matter of state environmental significance** assessed is **marine plants** under the *Fisheries Act 1994*. Guidance for determining if the development will have a **significant residual impact** on the **matter of state environmental significance** is provided in the Significant Residual Impact Guideline, Department of State Development, Infrastructure and Planning, 2014. Where the **significant residual impact** is considered an acceptable impact on the **matter of state environmental significance** under the Environmental Offsets framework and an **offset** is considered appropriate, the **offset** should be delivered in accordance with the *Environmental Offsets Act 2014*.	No acceptable outcome is prescribed.

11.3 Reference documents

Department of Environment and Heritage Protection 2016, Environmental offsets framework documents

Department of Primary Industries 1998, Restoration of fish habitats: Fisheries guidelines for marine areas FHG 002

Department of National Parks, Sport and Racing 2005, Fish habitat area code of practice: The lawful use of physical, pesticide and biological controls in a declared fish habitat area

Department of Primary Industries 2000, Fisheries guidelines for fish habitat buffer zones FHG 003

Department of Primary Industries and Fisheries 2006, Fisheries guidelines for fish-friendly structures FHG 006

Department of State Development, Infrastructure and Planning 2014, Significant residual impact guideline

Local Government Association of Queensland 2012, Mosquito management code of practice

Policies

Department of National Parks, Sport and Racing 2013, Marine resource management: Fish habitat area selection, assessment, declaration and review

Department of National Parks, Sport and Racing 2015, Marine resource management: Management of declared fish habitat areas

Department of Primary Industries 1998, Departmental procedures for provision of fisheries comments: Dredging, Extraction and Spoil Disposal Activities (FHMOP 004)

Department of Primary Industries and Fisheries 2007, Management and protection of marine plants and other tidal fish habitats (FHMOP001)

Department of Primary Industries and Fisheries 2007, Tidal fish habitats, erosion control and beach replenishment (FHMOP010)

Department of Agriculture and Fisheries 2015, Oyster Industry Management Plan for Moreton Bay Marine Park

Ministerial Council on Forestry, Fisheries and Aquaculture 1999, National Policy for the Translocation of Live Aquatic Organisms – Issues, Principles and Guidelines for Implementation

Queensland Department of Primary Industries 1996, Departmental Procedures for Permit Applications Assessment and Approvals for Insect Pest Control in Coastal Wetlands (FHMOP 003)

Accepted Development

Department of Agriculture and Fisheries 2017, Accepted development requirements for operational work that is the removal, destruction or damage of marine plants

Other references

Department of Agriculture, Fisheries and Forestry 2013, Declared fish habitat area network assessment report 2012

Department of Agriculture, Fisheries and Forestry 2013, Guideline on fisheries adjustment as a result of development (available on request from DAF)

Department of Agriculture and Fisheries website What is a waterway?

Department of Agriculture and Fisheries website What is a waterway barrier work?

Department of Agriculture and Fisheries website What is not a waterway barrier work?

Department of Employment, Economic Development and Innovation 2010, Declared fish habitat area network strategy 2009-14: Planning for the future of Queensland's declared fish habitat area network

Department of Environment and Heritage Protection 2014, Environmental offsets framework

Department of Environment and Resource Management 2011, Queensland Wetland Buffer Planning Guideline

Department of National Parks, Recreation, Sport and Racing 2013, Declared fish habitat area network progress report – June 2013

Department of National Parks, Recreation, Sport and Racing website Fish habitat area summaries

Department of Science, Information Technology, Innovation and the Arts 2014 , Queensland Acid Sulfate Soil Technical Manual: Soil Management Guidelines v4.0

International Ecohydraulics Symposium 2012, From Sea to Source: International guidance for the restoration of fish migration highways

International Erosion Control Association Australasia 2008, Best practice erosion and sediment control document

SEQ Catchments website

11.4 Glossary of terms

Declared fish habitat area see the *Fisheries Act 1994.*
Note: **Declared fish habitat area** means an area that is declared under the *Fisheries Act 1994* to be a **fish habitat** area. Section 120 of the *Fisheries Act 1994* deals with declaration of **fish habitat** areas.

Fish see section 5 of the *Fisheries Act 1994*.
Note: **Fish**:

1. means an animal (whether living or dead) of a species that throughout its life cycle usually lives:
   a. in water (whether freshwater or saltwater); or
   b. in or on **foreshores**; or
   c. in or on **land** under water
2. includes:
   a. prawns, crayfish, rock lobsters, crabs and other crustaceans
   b. scallops, oysters, pearl oysters and other molluscs
   c. sponges, annelid worms, bêche-de-mer and other holothurians
   d. trochus and green snails
3. does not include:
   a. crocodiles, or
   b. protected animals under the *Nature Conservation Act 1992*; or
   c. pests under the *Pest Management Act 2001*; or
   d. animals prescribed under a regulation not to be **fish**
4. also includes:
   a. the spat, spawn and eggs of **fish**
   b. any part of **fish** or spat, spawn or eggs of **fish**
   c. treated **fish**, including treated spat, spawn and eggs of **fish**
   d. coral, coral limestone, shell grit or star sand
   e. freshwater or saltwater products declared under a regulation to be **fish**.

Fish habitat see the *Fisheries Act 1994.*
Note: **Fish habitat** includes **land**, waters and plants associated with the life cycle of **fish**, and includes **land** and waters not presently occupied by **fisheries resources**.

Fisheries resources see the *Fisheries Act 1994.*
Note: **Fisheries resources** includes **fish** and **marine plants**.

Fishery see section 7 of the *Fisheries Act 1994*.

Note: **Fishery** means activity by way of **fishing**, for example, activities specified by reference to all or any of the following:
1. a species of **fish**
2. a type of **fish** by reference to sex, size or age or another characteristic
3. an area
4. a way of **fishing**
5. a type of boat
6. a class of person
7. the purpose of an activity
8. the effect of the activity on a **fish habitat**, whether or not the activity involves **fishing**
9. anything else prescribed under a regulation.

Fishing see the *Fisheries Act 1994.*
Note: **Fishing** includes:
1. searching for, or taking, **fish**
2. attempting to search for, or take, **fish**
3. engaging in other activities that can reasonably be expected to result in the locating, or taking, of **fish**
4. landing **fish** (from a boat or in another way), bringing **fish** ashore or transhipping **fish**.

Foreshore see the *Fisheries Act 1994.*
Note: **Foreshore** means parts of the banks, beds, reefs, shoals, shore and other **land** between high water and low water.

Harbour master see the *Transport Operations (Maritime Safety) Act 1994.*
Note: **Harbour master** means a person who is appointed under the *Transport Operations (Marine Safety) Act 1994* as a **harbour master**.

Highest astronomical tide means the highest level of the tides that can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions.

Land includes **foreshores** and tidal and non-tidal land.

Legally secured offset area see the *Environmental Offsets Act 2014.*
Note: An area of **land** is a **legally secured offset area** if:
1. the area is:
   a. an environmental **offset** protection area; or
   b. an area declared as an area of high nature conservation value under section 19F of the *Vegetation Management Act 1999*; or
   c. another area prescribed under a regulation; and
2. under the *Environmental Offsets Act 2014* or another Act, the area is subject to a delivery or management plan or agreement (however described in this Act or the other Act) to achieve a conservation outcome for a **prescribed environmental matter**.

Marine plant see section 8 of the *Fisheries Act 1994*.
Note: **Marine plant** includes the following:
1. a plant (a tidal plant) that usually grows on, or adjacent to, **tidal land**, whether it is living, dead, standing or fallen
2. material of a tidal plant, or other plant material on **tidal land**
3. a plant, or material of a plant, prescribed under a regulation or management plan to be a **marine plant**.

A **marine plant** does not include a plant that is a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*.

Matters of state environmental significance see schedule 2 of the Environmental Offsets Regulation 2014.
Note: **Matters of state environmental significance** are **prescribed environmental matters** under the Environmental Offsets Regulation 2014 that require an **offset** when a prescribed activity will have a **significant residual impact** on the matter. A **matter of state environmental significance** is any of the following matters:
1. regional ecosystems under the *Vegetation Management Act 1999* that:
   a. are endangered regional ecosystems
   b. are of concern regional ecosystems
   c. intersect with a wetland shown on the vegetation management wetlands map
   d. contain areas of essential habitat shown on the essential habitat map for an animal that is endangered wildlife or vulnerable wildlife or a plant that is endangered wildlife or vulnerable wildlife
   e. are located within the defined distances stated in the Environmental Offsets Policy 2014 from the defining banks of a relevant watercourse or drainage feature as shown on the vegetation management watercourse and drainage feature map; or
   f. are areas of **land** determined to be required for ecosystem functioning ('connectivity areas'); or
2. wetlands in a wetland protection area or wetlands of high ecological significance shown on the map of referable wetlands under the Environmental Protection Regulation 2019
3. wetlands and watercourses in high ecological value waters as defined in schedule 2 of the Environmental Protection (Water and Wetland Biodiversity) Policy 2019
4. designated precincts in strategic environmental areas under the Regional Planning Interests Regulation 2014
5. threatened wildlife under the *Nature Conservation Act 1992* and special least concern animals under the Nature Conservation (Wildlife) Regulation 2006
6. protected areas under the *Nature Conservation Act 1992,* excluding coordinated conservation areas

7. highly protected zones of state marine parks under the *Marine Parks Act 2004*
8. **declared fish habitat** areas under the *Fisheries Act 1994*
9. **waterways** that provide for **fish** passage under the *Fisheries Act 1994* if the construction, installation or modification of **waterway** barrier works carried will limit the passage of **fish** along the **waterway**
10. **marine plants** under the *Fisheries Act 1994*; or
11. **legally secured offset areas**.

Offset means environmental **offset** under the *Environmental Offsets Act 2014*.
Note: Environmental **offset** means an activity undertaken to counterbalance a **significant residual impact** of a prescribed activity on a **prescribed environmental matter**, delivered in accordance with the Environmental offsets framework. The **prescribed environmental matters** assessed under the State Development Assessment Provisions are **matters of state environmental significance**.

Prescribed environmental matters see the *Environmental Offsets Act 2014*.
Note: A **prescribed environmental matter** is any species, ecosystem or other similar matter protected under Queensland legislation for which an **offset** may be provided. A **prescribed environmental matter** may be a matter of national, state or local environmental significance, however, assessment criteria in the State Development Assessment Provisions only relate to **matters of state environmental significance**. Each of the **prescribed environmental matters** are listed under the Environmental Offsets Regulation 2014.

Public infrastructure means infrastructure constructed, owned and maintained by or on behalf of a **public sector entity**.

Public sector entity see the *Planning Act 2016.*
Note: A **public sector entity** means:
1. a department or part of a department; or
2. other than in chapter 4 (of the *Planning Act 2016*) – a distributor-retailer; or
3. an agency, authority, commission, committee, corporation (including a government owned corporation), instrumentality, office, or other entity, established under an Act for a public or state purpose (for example: a local government, a government owned corporation or a rail government entity under the *Transport Infrastructure Act 1994*).

Public use means available for free use by any member of the public without prior permission.

Significant residual impact see the *Environmental Offsets Act 2014*.
Note: **Significant residual impact** is an impact, whether direct or indirect, of a prescribed activity on all or part of a **prescribed environmental matter** that:
1. remains, or will or is likely to remain, (whether temporarily or permanently) despite on-site mitigation measures for the prescribed activity
2. is, or will or is likely to be, significant.

Guidance for determining if a prescribed activity will have a **significant residual impact** on a **matter of state environmental significance** is provided in the Significant Residual Impact Guideline, Department of State Development, Infrastructure and Planning, 2014.

Tidal land see the *Fisheries Act 1994.*
Note: **Tidal land** includes reefs, shoals and other **land** permanently or periodically submerged by waters subject to tidal influence.

Waterway see the *Fisheries Act 1994.*
Note: **Waterway** includes a river, creek, stream, watercourse or inlet of the sea. For further guidance see fact sheet Maintaining Fish Passage in Queensland: What is a waterway?, Department of Agriculture, Fisheries and Forestry, 2014.