State code 12: Development in a declared fish habitat area

12.1 Purpose statement

The purpose of the code is to ensure development in a **declared fish habitat area**:

1. is limited to **prescribed development purposes** where there is a need for the development or the development will improve the condition of **fisheries resources**, **fish habitat** and natural processes
2. maintains the natural condition of **fish habitat** and natural processes in **management A areas**
3. maintains the current **fish habitat** values and functions of **management B areas**
4. maintains the community and **fishing** sector's use of the area and access to **fisheries resources**
5. avoids impacts on **marine plants**, **waterways** that provide for **fish** passage and **declared fish habitat areas** 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: In most cases, a **resource allocation authority** is required under the *Fisheries Act 1994* before development that will be assessable against this code can proceed. It is recommended that this authority is obtained before a development application is made.

Some work will be accepted development and will not require a development application and assessment against this code.

Guidance on addressing code requirements is available in the State Development Assessment Provisions Guidance Material: State code 12: Development in a declared fish habitat area, Department of National Parks, Sport and Racing 2017.

12.2 Performance outcomes and acceptable outcomes

Development that is building work or operational work in a **declared fish habitat area** should demonstrate compliance with the relevant provisions of table 12.2.2. For further details of the specific performance outcomes to be addressed, please refer to table 12.2.1.

Table 12.2.1: Development type and relevant provisions of the code

Development	Relevant provisions of code
Prescribed development purposes	Table 12.2.2 – PO1
All development	Table 12.2.2 – PO2 – PO21
Researching, including monitoring or educating	Table 12.2.2 – PO22
Constructing a temporary structure	Table 12.2.2 – PO23 – PO24
Structures in a **management A area** that were constructed before the area was declared as **fish habitat** area	Table 12.2.2 – PO25 – PO26
Structures in a **management B area**	Table 12.2.2 – PO27 – PO32
Beach replenishment in a **management B area**	Table 12.2.2 – PO33 – PO38
Dredging or extracting sediment	Table 12.2.2 – PO39
Aquaculture	Table 12.2.2 – PO40
Matters of state environmental significance	Table 12.2.2 – PO41

Table 12.2.2: Building work or operational works

Performance outcomes	Acceptable outcomes
Prescribed development purposes	

Performance outcomes	Acceptable outcomes
PO1 Development is only undertaken for a **prescribed development purpose** in a **declared fish habitat area**, which are: 1. for **management A areas** and **management B areas**: a. restoring the **fish habitat** or natural processes; or b. managing **fisheries resources** or **fish habitat**; or c. researching, including monitoring or educating; or d. ensuring public health or safety; or e. providing public infrastructure to facilitate **fishing**; or f. providing subterranean public infrastructure if the surface of the area can be restored, after the completion of the works or activity, to its condition, before the performance of the works or activity; or g. constructing a temporary structure; or h. maintaining a structure that was constructed before the area was declared to be a **fish habitat** area; or i. maintaining a structure, other than a structure mentioned in paragraph h that has been lawfully constructed 2. for **management B areas** only: a. constructing a permanent structure on **tidal land** or within the management area; or b. depositing material for beach replenishment in the management area.	No acceptable outcome is prescribed.
All development	
PO2 When development is proposed for any of the purposes mentioned in PO1, there is a demonstrated need for the development, and for the following types of development, alternative locations outside the **declared fish habitat area** have been assessed and are not viable: 1. for **management A areas** and **management B areas**: a. researching, including monitoring or educating; or b. ensuring public health or safety; or c. providing **public infrastructure** to facilitate **fishing**; or d. providing subterranean **public infrastructure** if the surface of the area can be restored, after the completion of the works or activity, to its condition before the performance of the works or activity; or e. constructing a temporary structure f. for **management B areas** only: g. constructing a permanent structure on **tidal land** or within the management area; or	*For development to ensure public health and safety:* **AO2.1** Development is: 1. for a public health purpose and has been formally endorsed as being necessary by Queensland Health or the relevant government authority; or 2. for mosquito control and is required to be carried out under a mosquito management plan developed in accordance with the Mosquito management code of practice for Queensland, Local Government Association of Queensland, 2014 and do not include works for the control of other nuisance pest insect species (for example, midges); or 3. for an aid to navigation and is endorsed in writing by Department of Transport and Main Roads or Gold Coast Waterways Authority; or 4. is for a cyclone buoy mooring and: a. is identified under the relevant port cyclone contingency plan by the controlling authority (for example, a port authority)

Performance outcomes	Acceptable outcomes
h. depositing material for beach replenishment in the management area.	b. is located in accordance with any cyclone mooring plan prepared by the controlling authority c. is only used during a cyclone event or other genuine emergency situation. *For any other development, no acceptable outcome is prescribed.*
PO3 Only those aspects of a development that have a physical or functional requirement to be located within the **declared fish habitat area** occur within the area. Ancillary elements (for example, car and trailer parks, rest rooms, offices) occur outside the **declared fish habitat area**.	No acceptable outcome is prescribed.
PO4 The spatial extent of development within the **declared fish habitat area** is minimised to the greatest extent practical.	*For development involving bridge infrastructure:* **AO4.1** Bridge abutments are sited outside the **declared fish habitat area**. AND **AO4.2** Bridges are supported on piles only (not culverts, pipes or causeways) and the number of bridge piles within the **declared fish habitat area** is minimised. AND *For development involving overhead electricity and communication cables:* **AO4.3** Development uses the maximum cable span length possible. AND *For development involving private structures:* **AO4.4** Development that is for private jetties, pontoons, boat ramps and **fishing** platforms has a maximum total permanent footprint of 40 square metres. AND **AO4.5** Development that is for private jetties, **fishing** platforms and pontoons has an access walkway, if required, that is less than 2 metres wide. AND **AO4.6** Development that is for private buoy mooring is an environmentally friendly mooring design.

Performance outcomes	Acceptable outcomes
	For any other development, no acceptable outcome is prescribed.
PO5 Development impacting communities' **fisheries resources**: 1. directly abuts **land** that has full riparian access rights, or 2. is in a location within the **declared fish habitat area** with planning arrangements that support the structure e.g. designated or agreed mooring areas. 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.
PO6 Development which is for restoration, management activities or temporary works (such as research, monitoring or educational activities), ensures **fisheries resources** and **fish habitats** return to pre-existing or improved condition when the activity has ceased.	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 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. whether **fish** may be trapped or stranded 5. **fish** passage and access to habitat generally; and 6. the impacts of **pest fish** and other relevant pest species.	No acceptable outcome is prescribed.
PO8 Development maintains or improves water quality.	*For development involving bridge infrastructure:* **AO8.1** Bridges are designed to direct water run-off outside the **declared fish habitat area**. *For any other development, no acceptable outcome is nominated.*
PO9 Development maintains tidal or stream hydrology and retains natural drainage and inundation patterns.	*For works for mosquito control:* **AO9.1** Development for runnelling works complies with the policy guidelines in Departmental procedures for permit applications assessment and approvals for insect pest control in coastal wetlands (FHMOP 003), Department of Primary Industries, 1996 and: 1. increases tidal flushing 2. follows lines of natural water flow

Performance outcomes	Acceptable outcomes
	3. is no deeper than 30 centimetres 4. has a 3:1 width:depth ratio; and 5. a spoon shape with gently sloping concave sides. *For any other development, no acceptable outcome is nominated.*
PO10 Development likely to cause disturbance to potential or actual acid sulfate soil, prevents the release of contaminants. 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.
PO11 Where benthic disturbance is necessary, it is undertaken in a manner that enables the area to be restored to the pre-disturbance condition and profile, having regard to (amongst other things): surface sediment type and profile bank profile and potential for erosion; and amount of surface area disturbed. Note: Such disturbances include but are not limited to those associated with provisions of subterranean infrastructure, or temporary structures.	No acceptable outcome is prescribed.
PO12 Excess sediment arising from development is managed to avoid further disturbance within the **declared fish habitat area**.	**AO12.1** Excess sediment is disposed of outside of the boundaries of a **declared fish habitat area**.
PO13 The design and siting of development maximises light penetration under the structure where feasible, through measures such as: 1. increasing the height of the structure above the substrate 2. decreasing the width of the structure 3. using a north-south orientation 4. using pedestrian decking surfaces that maximise light penetration to the substrate.	No acceptable outcome is prescribed.
PO14 Development is designed, sited and constructed such that the potential for additional works to ensure long term operability is minimised, having regard to (amongst other things) the need for future: 1. dredging to maintain access 2. trimming of **marine plants**; or 3. warning signs or protective structures.	No acceptable outcome is prescribed.
PO15 Public boat ramps have vessel staging areas that are appropriate for the size of the boat ramp. Note: Vessel staging areas include land based staging areas and staging areas in water.	No acceptable outcome is prescribed.

Performance outcomes	Acceptable outcomes
PO16 Development minimises disturbance to **marine plants**.	*For private structures or works:* **AO16.1** Private **fishing** platforms, private jetties and pontoons extend through a **marine plant** fringe that is no more than 15 metres wide (measured perpendicular to the shore). AND **AO16.2** Private boat ramps have a total area of **marine plant** disturbance for construction that is less than 45 square metres and extends through a **marine plant** fringe that is no more than three metres wide (measured perpendicular to the shore). AND *For signs:* **AO16.3** Signs do not involve disturbance of **marine plants** unless this would compromise the purpose of a warning sign. *For any other development, no acceptable outcome is prescribed.*
PO17 To the greatest extent practical, development occurs in a way that allows for the **fish habitat** to quickly recover through natural processes. Note: A condition of approval for any restoration proposed in a **declared fish habitat area** is likely to require a post-works monitoring and maintenance program appropriate for the scale of the restoration works.	No acceptable outcome is prescribed.
PO18 Marine plants to be used for revegetation purposes have local provenance and are obtained from within a **declared fish habitat area** only if: 1. no alternative source of **marine plants** is feasible; or 2. the removal of **marine plants** will have minimal impact on the **declared fish habitat area**. Note: Vegetation to be used in a restoration project should comply with any relevant provisions of the National policy for the translocation of live aquatic organisms. See Management and protection of marine plants and other tidal fish habitats (FHMOP 001), Department of Primary Industries and Fisheries, 2007 for specific guidance on **marine plant translocation**.	No acceptable outcome is prescribed.
PO19 Development for a public or educational purpose is located to optimise **public use**, benefit or awareness of the **declared fish habitat area**.	No acceptable outcome is prescribed.
PO20 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 may be necessary. The Guideline on fisheries adjustment provides advice for proponents on relevant **fisheries** adjustment	No acceptable outcome is prescribed.

Performance outcomes	Acceptable outcomes
processes and is available by request from the Department of Agriculture and Fisheries.	
PO21 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 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.
Research including monitoring or education	
PO22 Development that is for researching, including monitoring, surveying and investigating or educating, is directly related to one or more of the following: 1. **fish**, **fisheries** or **fish habitat**; or 2. general biological or ecosystem values or processes within the area; or 3. protected area management; or 4. investigation of impacts of development on the **declared fish habitat area**. Note: Researching, including monitoring, surveying and investigating or educating should be undertaken by a **public sector entity**; primary, secondary or tertiary education institution, research institution, registered surveyor, registered research company or appropriately qualified and experienced consultant.	No acceptable outcome is prescribed.
Constructing a temporary structure	
PO23 A temporary structure is in place for a limited period and is designed to be completely removed.	**AO23.1** The structure is able to be removed in its entirety. AND one of the following acceptable outcomes apply **AO23.2** A temporary **waterway** barrier that prevents tidal flow is in place for no more than 21 business days. OR **AO23.3** A temporary structure, that is not a **waterway** barrier that prevents tidal flow, is in place for the shortest possible time, but no more than six months.
PO24 The temporary structure minimises impacts on **fish** migration.	No acceptable outcome is prescribed.
Structures in a management A area that were constructed before the area was declared as a fish habitat area	
PO25 Relocation or **exchange** of an existing structure: 1. results in a footprint that is less than or equal to the footprint of the existing structure 2. improves the condition of **fisheries resources** and **fish habitats**, including through water quality outcomes.	No acceptable outcome is prescribed.

Performance outcomes	Acceptable outcomes
PO26 Upgrading or replacement of public sewerage, water treatment and stormwater infrastructure minimises the disturbance footprint within the **declared fish habitat area** and improves the condition of **fisheries resources** and **fish habitats**, including through improved water quality outcomes.	**AO26.1** Development that is for an upgrade to existing stormwater, sewer or water treatment infrastructure results in an increase in the size of the structure by no more than 20 square metres and water is treated to a higher standard than the existing situation, before entering the **declared fish habitat area**.
Structures in a management B area	
PO27 For private development that is for the purposes of facilitating **fishing** or boat access (e.g. installation of a private jetty, pontoon, boat ramp or **fishing** platform) only one structure or facility is provided per adjoining property and is located entirely within the extension of the side boundaries of that property.	No acceptable outcome is prescribed.
PO28 For private development that is for the purposes of a private boat mooring (e.g. installation of a private buoy mooring): 1. only one mooring is provided per adjoining property and is located entirely within the extension of the side boundaries of that property; or 2. the mooring is installed within a government approved **designated mooring area** or within a location that is supported by the Department of Transport and Main Roads.	No acceptable outcome is prescribed.
PO29 The establishment of structures or infrastructure does not involve filling of **tidal land**.	No acceptable outcome is prescribed.
PO30 Development for erosion control purposes (including revetments, groynes and gabions) only occurs where erosion is resulting in an immediate threat to: 1. the ability to use the **land** for its existing or approved purpose; or 2. infrastructure, structures or buildings that are not expendable or not able to be relocated; or 3. a cultural heritage site.	No acceptable outcome is prescribed.
PO31 Development for erosion control purposes (including revetments, groynes and gabions) represents the best available erosion management solution from both an erosion management and a **fish habitat** management perspective.	No acceptable outcome is prescribed.
PO32 Development for erosion control purposes (including revetments, groynes and gabions) does not result in permanent loss of **fish habitat** beyond the footprint of the structure, other than where caused by minimal regularisation of the **foreshore** boundary required to maintain a consistent alignment with adjacent properties as part of a co-ordinated erosion control strategy for the location.	No acceptable outcome is prescribed.
Beach replenishment in a management B area	
PO33 Beach replenishment only occurs where erosion is resulting in an immediate threat to: 1. the ability to use the **land** for its existing or approved purpose; or	No acceptable outcome is prescribed.

Performance outcomes	Acceptable outcomes
2. infrastructure, structures or buildings that are not expendable or not able to be relocated; or 3. a significant cultural heritage site.	
PO34 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.
PO35 Beach replenishment does not create terrestrial **land**, unless a sacrificial dune or beach which forms an integral part of the erosion control design.	No acceptable outcome is prescribed.
PO36 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.
PO37 The beach replenishment work is undertaken in a way that minimises the frequency of any ongoing replenishment requirements.	**AO37.1** Beach replenishment will not require maintenance more often than every two years.
PO38 A source of replenishment material for future maintenance is identified and secured.	**AO38.1** Beach replenishment material is sourced from: 1. a distance of greater than 100 metres from a **declared fish habitat area**; or 2. from works within a **declared fish habitat area** that have been authorised for another purpose; or 3. from a navigational channel.
Dredging or extracting sediment	
PO39 Dredging or extracting sediment is only undertaken for the purposes of: restoring **fish habitats** or natural processes; or as part of the construction of a structure (e.g. excavating the footings for a boat ramp or revetment wall).	No acceptable outcome is prescribed.
Aquaculture	
PO40 Development for **aquaculture** is only for tidal works associated with oyster production within licensed oyster areas in compliance with the Oyster industry plan for Moreton Bay Marine Park, Department of Agriculture and Fisheries, 2015. Note: Water intake and discharge structures associated with **land** based **aquaculture** developments (e.g. prawn farms) are considered as structures within a **declared fish habitat area** rather than **aquaculture**.	No acceptable outcome is prescribed.
Matters of state environmental significance	
PO41 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	No acceptable outcome is prescribed.

Performance outcomes	Acceptable outcomes
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 **matters of state environmental significance** assessed are **marine plants**, **waterways** that provide for **fish passage** and **declared fish habitat areas**. 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** and an **offset** is considered appropriate under the Environmental offsets framework, the **offset** should be delivered in accordance with the *Environmental Offsets Act 2014*.	

12.3 Reference documents

Department of National Parks, Sport and Racing 2017, State Development Assessment Provisions Guidance Material: State code 12: Development in a declared fish habitat area

Department of Agriculture, Fisheries and Forestry 2013, Guideline on Fisheries Adjustment as a Result of Development (available on request from DAF)

Department of Environment and Heritage Protection 2016, Queensland environmental offsets framework documents

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

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 National Parks, Sport and Racing 2017, Accepted development requirements for operational work that is completely or partly within a declared fish habitat area

Other references
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 Resource Management 2011, Queensland Wetland Buffer Planning Guideline

Department of Agriculture, Fisheries and Forestry 2013, Declared Fish Habitat Area Network Assessment Report 2012

Department of National Parks, Recreation, Sport and Racing website, Declared fish habitat area plans

Department of Natural Resources and Mines 2002, Queensland Acid Sulfate Soil Technical Manual: Soil Management Guidelines

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

12.4 Glossary of terms

Aquaculture see the *Fisheries Act 1994*.
Note: **Aquaculture** means the cultivation of live **fisheries resources** for sale other than in circumstances prescribed under a regulation.

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.

Designated mooring area see Marine resource management: Management of declared fish habitat areas, Department of National Parks, Sport and Racing, 2015.

Note: **Designated mooring area** means an area designated for moorings under an agreement, plan or legislation by the Department of Agriculture and Fisheries, Department of Transport and Main Roads and/or any other relevant agencies.

Disease see section 94 of the *Fisheries Act 1994*.
Note: **Disease** means:
1. a **disease**, parasite, pest, plant or other thing (the **disease**) that has, or may have, the effect (directly or indirectly) of killing or causing illness in **fisheries resources**, or in humans or animals that eat **fisheries resources** infected with or containing the **disease**
2. a chemical or antibiotic residue
3. a **fish** or plant species that may compete against **fisheries resources** or other **fisheries resources** to the detriment of the **fisheries resources** or other **fisheries resources**.

Entity see the schedule of the *Fisheries Act 1994.*
Note: **Entity** includes an **entity** established under the law of the Commonwealth or another state.

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
   e. does not include:
   f. crocodiles, or
   g. protected animals under the *Nature Conservation Act 1992*; or
   h. pests under the *Pest Management Act 2001*; or
   i. animals prescribed under a regulation not to be **fish**
3. 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.

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**.

Management A area see the Fisheries (General) Regulation 2019.
Note: A **management A area** means an area within a **declared fish habitat area** identified by the words 'management A' on the **fish habitat** area plan mentioned in schedule 3 for the **declared fish habitat area**.

Management B area see the Fisheries (General) Regulation 2019.
Note: A **management B area** means an area within a **declared fish habitat area** identified by the words 'management B' on the **fish habitat** area plan mentioned in schedule 3 for the **declared fish habitat area**.

Marina see Marine Resource Management: Management of Declared Fish Habitat Areas Operational Policy, Department of National Parks, Sport and Racing, 2015.
Note: **Marina** means an area of tidal water primarily used for storage of multiple vessels secured to fixed or floating platforms that can be used to access the vessels. The **marina** may also include uses such as slipways, boat ramps, and fuel wharves.

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 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')
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 development purposes see the Fisheries (General) Regulation 2019.

Note: A **prescribed development purpose** for a **declared fish habitat area**, means any of the following in, or directly affecting, the area:
1. restoring the **fish habitat** or natural processes (for example: reinstating tidal profiles for allowing restoration of **marine plant** communities, restoring tidal flows and inundation patterns)
2. managing **fisheries resources** or **fish habitat** (for example: constructing a boardwalk for public access within the **declared fish habitat area** for preventing uncontrolled disturbance of the habitat)
3. researching, including monitoring, or educating
4. ensuring public health or safety
5. providing public infrastructure to facilitate **fishing** (for example: a boat ramp or jetty for **public use**)
6. providing subterranean public infrastructure if the chief executive is satisfied the surface of the area can be restored, after the completion of the relevant works or activity, to its condition before the performance of the works or activity
7. constructing a temporary structure
8. maintaining a structure that was constructed before the area was declared to be a **fish habitat** area under the Act
9. maintaining a structure, other than a structure mentioned in 8 above, that has been lawfully constructed
10. for a part of the area that is a **management B area**:
    a. constructing a permanent structure in the area; or
    b. depositing material for beach replenishment in the area for the purpose of erosion control.

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 SDAP only relate to **matters of state environmental significance**. Each of the **prescribed environmental matters** are listed under the Environmental Offsets Regulation 2014.

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.

Resource allocation authority means a **resource allocation authority** issued, and in force, under part 5, division 3, subdivision 2A of the *Fisheries Act 1994*.

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.

Translocation means the movement of live aquatic organisms (including all stages of the organism's life cycle and any derived viable genetic material):
1. beyond its accepted distribution; or
2. to areas which contain genetically distinct populations; or
3. to areas with superior parasite or **disease** status.

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