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

Table 11.2.2: Operational works

| **Performance outcomes** | **Acceptable outcomes** | **Response** |
| --- | --- | --- |
| **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 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. | *Complies with PO# / AO#*  *Use this column to indicate whether compliance is achieved with the relevant PO or AO (or if they do not apply), and explain why* |
| 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 owners 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 4. Departmental procedures for permit applications assessmentand 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. | *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 |  |
| AO4.2 The extent of marine plants removed, damaged or destroyed does not exceed two 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; and 2. width of two metres along the shoreline (highest astronomical tide); and 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 assessmentand 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 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 posess fisheries resources. | No acceptable outcome is prescribed. |  |
| 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.* |  |
| 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.   Note: Further detail on erosion control is provided in Tidal fish habitats, erosion control and beach replenishment ([FHMOP 010](http://www.daff.qld.gov.au/documents/Fisheries_Habitats/FHMOP010-Fish-Hab-Manage.pdf))*,* Department of Primary Industries and Fisheries, 2007. | No acceptable outcome is prescribed. |  |
| 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 has 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 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 plant](http://www.daff.qld.gov.au/documents/Fisheries_Habitats/MP06-minor-new-works-June2012.pdf)s, Department of Agriculture, Fisheries and Forestry, 2013, do not require a development permit. | No acceptable outcome is prescribed. |  |
| PO30 Marine plants to be used for revegetation purposes have local provenance. | PO30.1 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. For the Brisbane Port LUP, see [www.portbris.com.au](https://apac01.safelinks.protection.outlook.com/?url=https%3A%2F%2Furldefense.proofpoint.com%2Fv2%2Furl%3Fu%3Dhttp-3A__www.portbris.com.au%26d%3DDwMFAg%26c%3DtpTxelpKGw9ZbZ5Dlo0lybSxHDHIiYjksG4icXfalgk%26r%3Dj8d4Zfp2C-A5Ercrdvg5iPCyh7dpRoRj6feYer9UrEw%26m%3D1xhbQenzSj-ciNoYi2MCvXAHk8zpAEWoyMMaHGnZz5s%26s%3Dpr51eu27YBAwu5wExmAWPQAqM3-OHQFcVls3qPZYV9I%26e%3D&data=01%7C01%7CKaren.Kenny%40dilgp.qld.gov.au%7C42c843c42f3f4e766bfd08d4c28a9b58%7C7db2bee6535c4748bf78c30733511bcd%7C0&sdata=maUhKUTczEQLl0csTIgKhJv1BE%2F5iNrJLG%2FvaBX%2B0v8%3D&reserved=0).  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. |  |

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