**State code 12: Development in a declared fish habitat area**

[State Development Assessment Provisions Guidance Material: State code 12: Development in a declared fish habitat area](https://environment.des.qld.gov.au/licences-permits/development-application-process/_nocache) which provides direction on how to address this code.

**Table 12.1: Building work or operational works for which a resource allocation authority has not yet been granted**

| **Performance outcomes** | **Response** |
| --- | --- |
| **Prescribed development purposes** |
| **PO1** Development is only undertaken for a **prescribed development purpose** in a **declared fish habitat area.** | Complies with PO# Use this column to indicate whether compliance is achieved with the relevant PO (or if they do not apply), and explain why |
| **All development** |
| **PO2 Marine plant**s 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** has minimal impact on the **declared fish habitat area**.
 |  |
| **PO3** Development for a public or educational purpose is located to optimise **public use**, benefit or awareness of the **declared fish habitat area**. |  |
| **Research including monitoring or education** |
| **PO4** 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**;
2. general biological or ecosystem values or processes within the area;
3. protected area management;
4. investigation of impacts of development on the **declared fish habitat area**;
5. cultural values;
6. experimental trials for a research project.
 |  |
| **Structures in a management B area**  |
| **PO5** Development within a **declared fish habitat area**:1. directly abuts **land** that is owned or directly controlled by the applicant (or with the consent of the owner); or
2. is in a location within the **declared fish habitat area** with State government marine planning arrangements that support the development (e.g. a mooring within a designated or agreed mooring areas).
 |  |
| **PO6** For private development that is for the purposes of facilitating **fishing** orboat 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. |  |
| **PO7** Private boat mooring:1. where adjoining property, is limited to one mooring located entirely within the extension of the side boundaries of that property; or
2. is installed within a government approved **designated mooring area;** or
3. is installed in an existing mooring field.
 |  |
| **PO8** 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.
 |  |
| **Beach replenishment in a management B area** |
| **PO9** 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
2. infrastructure, structures or buildings that are not expendable or not able to be relocated; or
3. a cultural heritage site.
 |  |
| **PO10** 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.  |  |

**Table 12.2: All building work or operational works**

| **Performance outcomes** | **Response** |
| --- | --- |
| **All development** |
| **PO11** Only those aspects of a development that have a 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**. |  |
| **PO12** The spatial extent of development within the **declared fish habitat area** is minimised to the greatest extent practical to ensure the integrity of intact habitats. |  |
| **PO13** Development is designed and constructed to ensure it does not increase the risk of mortality, **disease** or injury to **fish**, or compromise the health, productivity, marketability or suitability for human consumption of **fish**.  |  |
| **PO14** Development maintains or improves water quality.  |  |
| **PO15** Development maintains tidal or stream hydrology and retains natural drainage and inundation patterns. |  |
| **PO16** Development likely to cause disturbance to potential or actual acid sulfate soil, prevents the release of contaminants. |  |
| **PO17** Where any temporary benthic disturbance is necessary the pre-disturbance condition is restored, having regard to (amongst other things):1. surface sediment type and profile;
2. bank profile and potential for erosion; and
3. re-establishment by flora and fauna.
 |  |
| **PO18** Excess sediment arising from development is managed to avoid further disturbance within the **declared fish habitat area**. |  |
| **PO19** Development is designed, sited and constructed such that the need for additional works to ensure long term operation of the development is minimised. |  |
| **PO20** Development does not adversely impact on:1. community access to **fisheries resources** and **fish habitats** including recreational and indigenous **fishing** access;
2. commercial **fishing** access and linkages between a commercial, **fishery** and infrastructure, services and facilities.
 |  |
| **Restoration works** |
| **PO21** Development which is for restoration ensures the **declared fish habitat area** returns to pre-existing or improved condition or improves future resilience and recovery. |  |
| **Constructing a temporary structure** |
| **PO22** A temporary structure is in place for a limited period, is designed to facilitate **fish** movement and be completely removed. |  |
| **Structures in a management A area that were constructed before the area was declared as a fish habitat area** |
| **PO23** 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.
 |  |
| **PO24** 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. |  |
| **Structures in a management B area**  |
| **PO25** The establishment of structures or infrastructure does not involve filling of **tidal land**. |  |
| **PO26** Development for erosion control purposes (including revetments, groynes and gabions) is designed to achieve the best available erosion management solution from both an erosion management and a **fish habitat** management perspective. |  |
| **PO27** 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. |  |
| **Beach replenishment in a management B area** |
| **PO28** 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.  |  |
| **PO29** The beach replenishment work is undertaken in a way that minimises the need for other erosion control activities or works. |  |
| **PO30** The beach replenishment work is undertaken in a way that minimises the frequency of any ongoing replenishment requirements. |  |
| **PO31** A source of replenishment material for future maintenance is identified and secured. |  |
| **Dredging or extracting sediment** |
| **PO32** Dredging or extracting sediment is only undertaken for the purposes of:1. restoring **fish** **habitats** or natural processes; or
2. as part of the construction of a structure (e.g. excavating the footings for a boat ramp or revetment wall).
 |  |
| **Aquaculture** |
| **PO33** 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.  |  |
| **Matters of state environmental significance** |
| **PO34** Development is designed and sited to: 1. avoid impacts on **matters of state environmental significance**; or
2. minimise and mitigate impacts on **matters of state environmental significance** after demonstrating avoidance is not reasonably possible; and
3. provide 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. |  |