

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

Purpose statement

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

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. is designed and located to avoid impacts or, where the **matters of state environmental significance** cannot be reasonably avoided, impacts are reasonably minimised and mitigated;
5. does not result in a **significant residual impact** on a **matter of state environmental significance** unless the **significant residual impact** is acceptable, and an **offset** is provided.

Using this code

The assessment benchmarks for this code comprise:

- a purpose statement which identifies the overall intent of the code;
- performance outcomes which set benchmarks to achieve the purpose statement of the code;
- acceptable outcomes which identify one way to achieve the relevant performance outcome.

Development complies with the code where:

- it complies with the acceptable outcomes for the performance outcome; or
- it complies with all the performance outcomes, where not complying with the acceptable outcomes; or
- development does not meet relevant performance outcome(s) and SARA determines, on balance, that the development complies with the purpose statement.

This code also includes the glossary of terms for definitions relevant to this code and reference documents; including the guideline [State Development Assessment Provisions guideline – State Code 11: Removal, destruction or damage of marine plants](#) which provides direction on how to address this code.

Performance outcomes and acceptable outcomes

Table 11.1 Operational works

Performance outcomes	Acceptable outcomes
All development - Impacts to marine plants	
PO1 The design, construction and maintenance of the development does not result in adverse impacts to marine plants and fish habitat .	No acceptable outcome is prescribed.
PO2 Development is designed and sited to: 1. avoid impacts on marine plants; or 2. minimise and mitigate impacts on marine plants 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 marine plants that are: (a) A matter of State environmental significance; and (b) A prescribed environmental matter.	No acceptable outcome is prescribed.
Statutory note: For Brisbane core port land, an offset may only be applied to development on land identified as E1	

Performance outcomes	Acceptable outcomes
Conservation/Buffer, E2 Open Space or Buffer/Investigation in the Brisbane Port LUP precinct plan.	
PO3 Aspects of development are only permitted on tidal land where there is a functional requirement and the development cannot be feasibly located elsewhere. Ancillary elements (such as rest rooms and offices) are to be located outside of tidal land .	No acceptable outcome is prescribed.
PO4 The design, construction and maintenance of the development does not result in adverse impacts on fisheries resources .	No acceptable outcome is prescribed.
PO5 The development maintains or improves natural drainage patterns and preserves the extent, frequency, duration and timing of tidal and freshwater inundation necessary to sustain the health, distribution and ecological function of marine plants and associated fish habitats. Statutory note: Development is to demonstrate that it does not alter hydrological conditions in a way that directly or indirectly results in the decline, deterioration, or loss of marine plants.	<i>For bridges:</i> A05.1 Bridges are designed with abutments above the highest astronomical tide. AND <i>For water, sewer or stormwater infrastructure:</i> A05.2 Infrastructure is placed below the existing natural substrate surface level, and natural substrate, surface levels and habitat condition and values are reinstated. <i>For any other development, no acceptable outcome is prescribed.</i>
PO6 The design, construction and maintenance of the development: (a) maintains natural erosion and accretion processes. (b) does not increase the risk of scour or erosion of waterway bed or banks; and does not increase the risk of shoreline or foreshore erosion.	No acceptable outcome is prescribed.
PO7 Development does not adversely impact on recreational, indigenous and commercial fishing use of or access to fisheries resources and fish habitats , fishing related infrastructure, services and facilities.	<i>For development for a material change of use or reconfiguration of a lot:</i> A07.1 Tidal land and fish habitats are separated from development and are available for public use. A07.2 The development does not alter existing infrastructure or existing community access arrangements. <i>For any other development, no acceptable outcome is prescribed.</i>

Reference documents

Department of Primary Industries, [State Development Assessment Provisions guideline - State Code 11: Removal, destruction or damage of marine plants](#)

Department of Environment, Tourism, Science and Innovation, [Environmental offsets framework](#)

Department of Primary Industries 1998, [Restoration of fish habitats: Fisheries guidelines for marine areas FHG 002](#)

Department of Environment and Science 2015, [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 State Development, Infrastructure and Planning 2014, [Significant residual impact guideline](#)

Local Government Association of Queensland 2014, Mosquito management code of practice

Policies

Department of Environment and Science 2015, [Marine management: Fish habitat area selection, assessment, declaration and review](#)

Department of Environment and Science 2015, [Marine management: Management of declared fish habitat areas](#)

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

Accepted Development

Business Queensland website, [Accepted development requirements for operational work that is the removal, destruction or damage of marine plants](#)

Other references

Queensland Government Publications Portal, [Research reports on declared Fish Habitat Areas](#)

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

Business Queensland website [Waterway works and structures](#)

Department of Environment and Resource Management 2011, [Queensland Wetland Buffer Planning Guideline](#)

Business Queensland website [Declared Fish Habitat Area plans and locations](#)

Business Queensland website, [Aquaculture](#) management

Department of Resources 2024, Queensland Acid Sulfate Soil Technical Manual: Soil Management Guidelines v5.1

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

International Erosion Control Association Australasia 2025, [Best practice erosion and sediment control document](#)

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

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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**.

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 transshipping **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.

Functional requirement to be located on **tidal land** means that there is a prerequisite greater than any other consideration for the aspect of development to be located on tidal lands to achieve its function. For example, the ramp element of a boat ramp must be on **tidal land** to enable the launching of boats. However, the functional requirement does not extend to associated or ancillary elements. For example, amenity facilities to service ramp users are not required to be located on **tidal land** to function. Similarly, a stormwater outlet has a functional requirement to be located on **tidal land** to discharge flows and reduce risks of flooding adjoining **land**. However, only the outlet headwall and scour apron needs to be located on **tidal land** while other associated infrastructure such as detention basins can function entirely on terrestrial **land**.

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
 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 prohibited matter or restricted matter under the *Biosecurity Act 2014*.

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
 - f. contain remnant vegetation and 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 Queensland Wetland Environmental Values under the Environmental Protection Policy 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 (plants and animals) 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 out under an authority will limit the passage of **fish** along the waterway
10. marine plants under the *Fisheries Act 1994*
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 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 the Business Queensland webpage *Waterways in Queensland*.

