

State code 17: Aquaculture

Purpose statement

The purpose of this code is to ensure **aquaculture** industry development and practices are ecologically sustainable. The code ensures that development:

1. maintains the health and productivity of **fisheries resources**, **fish habitat** and the natural environment;
2. maintains commercial, recreational, and indigenous **fishing** access
3. manages the health and productivity of **aquaculture fisheries resources**.

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 17: Aquaculture](#), which provides direction on how to address this code.

Performance outcomes and acceptable outcomes

Table 17.1: Material change of use

Performance outcomes	Acceptable outcomes
Location	
PO1 Development is suitably designed and sited for the type and scale of aquaculture activity proposed.	No acceptable outcome is prescribed.
PO2 Development is designed and sited to minimise adverse impacts on 1. fisheries resources; 2. fish habitat; 3. the natural environment.	AO2.1 Development is designed, constructed and maintained to avoid adverse impacts on fisheries resources , fish habitat and the natural environment.
PO3 Structures that hold and contain aquaculture fisheries resources are designed and sited to prevent the escape or release of aquaculture fisheries resources under the full range of conditions that could be expected at the site.	No acceptable outcome is prescribed.
Access	
PO4 Development does not adversely impact on community access to fisheries resources and fish habitat including recreational and indigenous fishing access.	AO4.1 Development does not alter existing access infrastructure or existing community access arrangements to fisheries resources and fish habitat .
PO5 Development does not adversely impact on commercial fishing access.	No acceptable outcome is prescribed.
PO6 Development does not adversely impact on existing linkages associated with a commercial fishery and infrastructure, services, and facilities.	No acceptable outcome is prescribed.
Health and productivity	

Performance outcomes	Acceptable outcomes
PO7 Development likely to cause drainage or disturbance to acid sulfate soils prevents the release of contaminants and impacts on fisheries resources and fish habitat .	No acceptable outcome is prescribed.
Land-based aquaculture development	
PO8 Development is designed and sited to mitigate biosecurity and disease risks to the natural environment.	AO8.1 Development is designed and constructed to prevent impacts on waterways and wetlands by: - being located away from important natural features such as waterways and wetlands: - for tidal habitats: 100 metres from highest astronomical tide outside an urban area; or 50 metres from highest astronomical tide within an urban area; - for non-tidal habitats: 50 metres from bankfull width outside an urban area; and 25 metres from bankfull width within an urban area; - constructing all ponds above the highest astronomical tide;
PO9 Ponds, tanks, containers, aquaria and drainage systems are designed and constructed to ensure immunity from flooding and inundation.	<i>For the cultivation of exotic aquaculture fisheries resources:</i> AO9.1 Ponds, tanks, containers and aquaria used to cultivate exotic aquaculture fisheries resources are constructed on land that is situated above the Q100 flood level (1% AEP), or no lower than the highest known or recorded flood level if Q100 (1% AEP) is unavailable. <i>For all other development:</i> AO9.2 Ponds, tanks, containers and aquaria used to cultivate aquaculture fisheries resources and for bioremediation are constructed with the lowest point of the top of wall at least the height of the Q100 flood level (1% AEP), or no lower than the highest known or recorded flood level if Q100 (1% AEP) is unavailable. AND AO9.3 Ponds, tanks, containers and aquaria used solely for treatment and settlement (free of aquaculture fisheries resources) are constructed so that the lowest point on the top of wall is at least the height of the Q50 (2% AEP) flood level. AND AO9.4 All in-ground structures, including any structure or impoundment used for the collection or treatment of wastewater, are constructed to prevent the ingress of stormwater run-off e.g. by constructing

Performance outcomes	Acceptable outcomes
	a bund or levee wall around the structure or impoundment.
Tidal aquaculture developments	
PO10 The design and construction of aquaculture furniture and other infrastructure does not result in adverse impacts to fisheries resources .	AO10.1 Aquaculture furniture does not interfere with fisheries resources . AND AO10.2 Aquaculture furniture and other infrastructure is designed, constructed and maintained to be removable. AND AO10.3 All materials used in the construction of aquaculture furniture are of a chemically inactive and non-hazardous nature. AND AO10.4 Other structures, including break walls, fences, boat ramps and jetties, are not constructed on areas allocated for prescribed aquaculture . AND AO10.5 Aquaculture furniture and other infrastructure is designed and constructed to not include any fixed structures in the substrate (except for supporting posts).
PO11 Development in the Great Sandy Strait Marine Park: 1. is within a designated aquaculture area identified in the Great Sandy Regional Marine Aquaculture Plan (GSRMAP); 2. is consistent with the type of aquaculture approved for the designated area; and 3. complies with the assessment criteria and conditions of the GSRMAP.	No acceptable outcome is prescribed.

Reference documents

Aquaculture policies and guidelines

Department of Agriculture and Fisheries, [State Development Assessment Provisions guideline - State Code 17: Aquaculture](#).

Queensland Primary Industries and Fisheries 2004, FAMOP001 – [Management arrangements for potentially high risk activities in the context of ecologically sustainable development for aquaculture facilities](#)

Accepted Development

Department of Agriculture and Fisheries 2020, [Accepted development requirements for material change of use that is aquaculture](#)

State Development Assessment Provisions v3.7

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Other references

Department of Agriculture and Fisheries 2019, [Aquaculture Development Areas](#)

Department of Environment and Science 2018, [Queensland Environmental Offsets Policy](#)

Department of Science, Information Technology, Innovation and the Arts 2014, [Queensland Acid Sulfate Soil Technical Manual](#)

International Erosion Control Association 2008, [Best Practice Erosion and Sediment Control Guidelines](#)

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 by regulation.

Aquaculture fisheries resources see the *Fisheries Act 1994*.

Note: **Aquaculture fisheries resources** means live **fish** and other marine plants cultivated in aquaculture.

Aquaculture furniture see the *Fisheries Act 1994*.

Note: **Aquaculture furniture** means a cage, rack, **tank**, tray, or anything else used, or capable of being used, in aquaculture or to assist in aquaculture.

Container see the *Fisheries Act 1994*.

Note: **Container** includes a basket, case and tray.

Fish see the *Fisheries Act 1994*.

Note: **Fish** means

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);
 - 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. however, does not include:
 - a. crocodiles;
 - b. protected animals under the *Nature Conservation Act 1992*;
 - 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 of 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 the *Fisheries Act 1994*.

Note: **Fishery** includes activities by way of **fishing**, including, for example, activities specified by reference to all or any of the following:

- a. a species of **fish**;
- b. a type of fish by reference to sex, size or age or another characteristic;
- c. an area;
- d. a way of **fishing**;
- e. a type of boat;
- f. a class of person;
- g. the purpose of an activity;

- h. the effect of the activity on a **fish** habitat, whether or not the activity involves **fishing**;
- i. anything else prescribed by 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 another way), bringing **fish** ashore or transshipping **fish**.

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 see the *Fisheries Act 1994*.

Note: Land includes foreshores and tidal and non-tidal land.

Pond means an earthen in-ground container.

Prescribed aquaculture means aquaculture for which a **resource allocation authority** has been obtained.

Resource allocation authority means a current **resource allocation authority** issued under the *Fisheries Act 1994*.

Tank means an above-ground container used for intensive aquaculture within an enclosed facility.

Waterway see the *Fisheries Act 1994*.

Note: **Waterway** includes a river, creek, stream, watercourse, drainage feature or inlet of the sea.